

January 8, 2024	MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF OLNEY, TEXAS	6:00 P.M.
<p>The City Council of the City of Olney, Texas met Monday, January 8, 2024 at 6:00 P.M. Those present were: Mayor Rue Rogers and Councilmembers Harrison Wellman, Brad Simmons, Tommy Kimbro and Chuck Stennett. Staff Present: City Administrator Arpegea Pagsuberon, Police Chief Dan Birbeck, Officer Dustin Hudson and Public works Director Michael Jacoba, City Secretary Tammy Hourigan was absent due to illness. City Attorney Bill Myers and Attorney Dan Branum. All agenda items were subject to action. Meeting was broadcast and recorded online using GoToMeeting.com in accordance with Open Meetings Laws guidance during COVID-19 Pandemic Disaster.</p>		
Mayor Rogers called the meeting to order at 6:00 P.M.		CALL TO ORDER
Bill Myers		INVOCATION
<p>Cindy Moore was present to address the Council as to what could be done about the multiple cars being parked in residential yards? Is there an Ordinance and if so, why isn't something being done about it? Mayor Rogers stated that there currently was no Ordinance but that it was possibly something that needed to be discussed and thought put into an Ordinance. Chief Birbeck stated that as long as the vehicles have a current registration, they are not breaking the law. If the vehicle is in disrepair and the registration is expired, then law enforcement can address.</p> <p>Gina Keating was in attendance to address the Council both as the Enterprise Editor and a homeowner in the City of Olney. She addressed the Council in reference to the #8. Agenda Item, considering the status of City Administrator Arpegea Pagsuberon in Executive Session. Ms. Keating stated that she was aware of the actions of one Council Member that had been trying to have Ms. Pagsuberon removed from her position and that she hoped the acceptance of Tom Parker's resignation from the City Council would put a stop to those actions. She then stated that she would much rather be writing about a new swimming pool but if the Council proceeded to do what she felt they were going to do, she would be writing about their actions for many weeks. She stated that through the Public Information Requests that she had recently made, she had become aware and knows that some of the other in the room have been made aware months ago that Mr. Parker has allegedly engaged in behavior towards Ms. Pagsuberon that puts the City at great financial risk. She stated that as far as she knows, nothing was done to mitigate the risk to the City or to protect Ms. Pagsuberon. She asked the Council if</p>		CITIZEN COMMENT PERIOD

<p>they have considered that the City cannot afford to pay for a Water Treatment Plant despite issuing \$3.5 Million (was \$13.5 Million) in Bonds and cannot afford to balance the budget without a double-digit tax increase? How will the City defend itself against a wrongful termination lawsuit that has every sign of succeeding based on the interviews and evidence I have collected? This is not only a reckless action, it is being urged by a Council Member that last week put the City on the hook for \$18,500 to clear up titles to lots that he urged a builder to purchase, then attempted to blame the City's Code Enforcement Department for the builder's failure to do due diligence on the properties. It is a Council Member who is trying to bring a hardware and a grocery store to town, apparently by trying to sneak them through the re-zoning process, in a town where our existing family owned businesses are struggling to survive. It is a Council Member who seems to believe that he can conduct City business outside the public eye, change City Ordinances from one meeting to the next for his friends and slow walk requests for everyone else. She stated that Arpegea Pagsuberon is resented by some members of this Council because she has spoken up against this kind of self-dealing. I have seen Council Members publicly express that they do not have to abide by Municipal procurement rules. I am now investigating whether a Council Member allowed a utility company to install lines in City alleys without receiving City approval then sold a piece of land to that same company. Ms. Keating urged to Council to decide if they wanted to continue with the "good ole boy" system and pay a price that the City cannot afford. She stated that the action against Ms. Pagsuberon appears to have been manufactured by Mr. Parker and Mr. Parker alone and will result in an expensive disaster for the City and the loss of a valuable City Administrator.</p>	
<p>No Minutes were presented for approval.</p>	<p>CONSIDER APPROVAL OF MINUTES FROM PREVIOUS MEETING(S)</p>
<p>Mayor Rogers stated that Mayor Pro-Tem Parker turned in his resignation in November 2023 effective December 31, 2023 and that this was a formal acceptance of that resignation and declaring a vacancy. Mayor Rogers entertained a Motion to accept the resignation of Mayor Pro-Tem Tom Parker. Council Member Stennett made said Motion. Council Member Kimbro seconded. Council voted unanimously to approve the Motion.</p>	<p>ACCEPT RESIGNATION OF ELECTED MUNICIPAL OFFICER MAYOR PRO-TEM TOM PARKER PURSUANT TO SECTION 22.012 OF THE TEXAS LOCAL GOVERNMENT CODE</p>
<p>Council Member Stennett nominated Harrison Wellman. Council Member Wellman nominated Chuck Stennett. Mayor Rogers entertained a Motion to cease nominations. Council Member Simmons made said Motion. Council Member Kimbro seconded. Mayor Rogers stated that there were two nominations for Mayor Pro-Tem Parker and Council Member Harrison Wellman (the vote</p>	<p>DISCUSS AND CONSIDER APPOINTING A NEW MAYOR PRO-TEM</p>

<p>was inaudible on the video) Council Member Wellman was appointed Mayor Pro-Tem.</p>	
<p>Mayor Rogers stated that they officially declared the vacancy today, which means that we have 10 days to fill the vacancy. We can fill it today or have a Special Called Meeting within the 10 - day period and fill the vacancy. Mayor Rogers stated that his recommendation would be to appoint someone today and then they could be at the next meeting to be sworn in and take the Oath of Office and begin serving on the Council. Mayor Rogers opened the floor for nominations to fill the vacancy on the City Council. Mayor Pro-Tem Wellman asked what was the procedure if someone was nominated and not willing or was not there? Mayor Rogers stated that several had been talked to and several had said that they would be willing to serve. Mayor Rogers stated that there could be an instance where an individual was nominated and they declined. At that point, there would have to be a Special Called Meeting in-order-to meet the 10-day deadline. Mayor Pro-Tem Wellman suggested beginning with those individuals that had shown interest. Mayor Rogers stated that those who had shown an interest were Thea Sullivan, Mona Bernhardt, Carol Vorel and Terri Wipperman. He stated that those were the only four he had heard from, but that those were not necessarily the only four that could be considered. Any tax paying citizen that lives within the City Limits is eligible. He then stated that those 4 had stated they would be interested in serving the remainder of Tom Parker's term which is up for election in May. Council Member Simmons stated that they were all good candidates. He then verified that Thea Sullivan was a CPA. Mayor Rogers asked if there were any nominations? Council Member Simmons nominated Thea Sullivan. Mayor Rogers entertained a Motion to appoint Thea Sullivan the new Council Member to fill the vacancy on the City Council effective upon taking the Oath of Office and signing the Oath of Office at the next scheduled meeting which is January 22, 2024. Council Member Stennett made said Motion. Council Member Simmons seconded. Council voted unanimously to approve the Motion. Mayor Rogers stated that he would reach out to Thea Sullivan and let her know. If she agreed, she would be sworn in at the next Council Meeting.</p>	<p>DISCUSS AND CONSIDER APPOINTING A NEW COUNCILMEMBER TO FILL THE VACANCY ON THE COUNCIL</p>
<p>Council entered Executive Session at 6:12 P.M. Attorney Myers stated that since the City Secretary was absent due to illness and the Executive Session affected Ms. Pagsuberon, who would be taking Minutes? Mayor Rogers stated that he would. Gina Keating stated she had a question. Attorney Myers told her No. She stated she would ask later. Council came out of Executive Session at 7:00 P.M.</p>	<p>EXECUTIVE SESSION: CONSIDER THE STATUS OF CURRENT CITY ADMINISTRATOR, ARPEGEA PAGSUBERON PURSUANT TO ARTICLE VII, SECTION 7.01(B) OF THE CHARTER OF THE CITY OF OLNEY</p>

City Attorney Myers stated that the Council would consider the status of City Administrator Arpegea Pagsuberon, Pursuant to Article VII, Section 7.01 (b) of the Charter of the City of Olney. He stated that the City Charter read that the City Administrator may not be appointed for a definite period-of-time, but may be removed at the will of the City Council by a majority vote of the City Council. The action of the City Council by suspending or removing shall be final. It being the intention of this Charter to vest all authority and responsibilities for suspension or removal in the City Council. He stated that it then goes on to say that in the absence or disability of the City Administrator, the City Council may designate a qualified individual to serve as acting City Administrator and to perform duties of the office during such absence or disability. The City Administrator may receive compensation as may be fixed by the City Council. In connection with this, all appointed Officers within the City of Olney serve at the pleasure of the City Council and can be removed at any time for no cause, except the City Council chooses to remove them due to no confidence. Attorney Myers instructed the Council Members and those in attendance that this was not a hearing to determine suspension or termination. It is a confidence or no confidence vote strictly. Persons wishing to express support for or opposition for Arpegea may do so within the rules that the mayor will contend with but must confine remarks to the Charter position and the item as posted in accordance with the Open Meetings Act. Any attempt to go beyond that Agenda Item will be out of order and I will so tell you. Any attempt to go into questions or anything like that seems to be on a for cause termination, I will instruct them to not answer that question as their legal counsel. It's within this Charter's decision, which gives the Council the power to do this. City Attorney then confirmed that Ms. Pagsuberon understood his statement. Attorney Myers then asked Ms. Pagsuberon if she would like to speak. She stated that she would. She stated that she was passing out a statement that she had prepared for Council and the Council Attorneys. She also stated that she was also handing the statement to the Media and to her Department Heads that were present. Ms. Pagsuberon stated that the statement was addressed to all the Council Members that were present and that she had removed Tom Parker, since he had resigned prior to the Executive Session. She stated that it was a formal complaint of intimidation, sexual harassment and retaliation. She read the statement, which is included in the Minutes of the January 8, 2024 City Council Meeting. Upon conclusion of her statement, City Attorney Myers asked if there was anyone else that wanted to speak? Gina Keating inquired, stating that she was not sure of the parameters and asked if she was allowed to speak or ask questions. City Attorney Myers confirmed to her that she was able to make a statement and that she was allowed two minutes. Ms. Keating stated that she had been a journalist for 35 years. Before coming to Olney, she worked in the City of Los Angeles and covered the

ANY ACTION AS A RESULT
OF THE EXECUTIVE
SESSION

City Attorney's Office. She stated that she had seen a lot of lawsuits filed against cities, that were a lot less egregious than this. She stated that she had either attended or watched every City Council Meeting for the past two years and that she had witnessed nothing that would cause the City Council to lose confidence in Arpegea Pagsuberon. She then stated that as a journalist, she had seen quite a lot from the Council that had her to lose faith in the Council. She stated that she wanted them (the Council) to think about what they were inserting the people of Olney into, should they go down the path that it appeared they were planning to go down. She stated that she is a homeowner and a taxpayer and will not appreciate watching the City go bankrupt over something idiotic like what is currently being done. City Attorney Myers asked if there was anyone else that would like to comment? Mona Bernhardt responded stating that for transparency she wanted to stated that she has a Master's Degree in Social Work, has served in several organizations and grew up here. She stated that she loves Olney and is very concerned about the City and one of the reasons that she attends the Council Meetings. She stated that she does have concerns about lack of transparency and concerns about what is being proposed. She stated that she has seen the City Manager do exemplary work and has full confidence in her and it makes her sad that the Council does not appear to share that confidence and that they're having this meeting. She then thanked the Council for giving her the opportunity to address the Council. City Attorney Myers asked if there were any others? There were not. City Attorney Myers then verified with Ms. Pagsuberon that the document he was holding appears to be her rendition of some things that she feels were actionable? Her answer was Correct. He then stated that it would certainly be taken under advisement, but that it was not part of the Agenda Item listed tonight. Did she have anything else that she wished to say? She answered No sir. City Attorney Myers then stated to the Mayor that they would go back into Executive Session. Council went back into Executive Session at 7:18 P.M.

Council came out of Executive Session at 7:22 P.M. City Attorney stated to Mayor Rogers that at this time it was time for the Council to consider Motions for a vote. Mayor Rogers stated that Motion to the City Council, Motion made by Rue Rogers, Mayor of the City Council, that the current City Administrator Arpegea Pagsuberon be removed at the will and pleasure of the City Council City of Olney and that her appointment of that office be terminated immediately. He then stated that he would address each Council Member for their vote.

Council Member Kimbro-yes

Council Member Simmons-abstained

Council Member Wellman-yes

Council Member Stennett-yes

City Attorney Myers then stated that according to the current number of members on the Council it would take three votes.

<p>as a majority of existing Council tonight. To approve this Motion. It is the opinion of the City Attorney that the motion carries.</p>	
<p>There being no further business to come before the Council, the Council adjourned at 7:25 P.M.</p> <p>ATTEST:</p> <p>_____ Tammy Hourigan, City Secretary</p>	<p>ADJOURNMENT</p>

Arpegea Pagsuberon

Monday, January 8, 2024

Rue Rogers - Mayor
Harrison Wellman - Councilmember
Brad Simmons - Councilmember
Tommy Kimbro - Councilmember
Chuck Stennett- Councilmember

City of Olney
201 East Main Street
Olney, Texas 76374

Subject: Formal Complaint of Intimidation, Sexual Harassment and Retaliation

I am writing this letter to formally report incidents of intimidation, sexual harassment and retaliation that I have experienced/witnessed in the workplace. My intention in bringing this matter to your attention is to seek a resolution and ensure a safe and respectful working environment for all employees.

Intimidation:

Experienced August 17, 2022

On August 19, 2022, KC Blassingame was placed on disciplinary action due to insubordination and abusive language towards myself at City Hall in my office on August 17, 2022. Though the action was necessary, approximately an hour after the incident, Mayor Pro-Term Tom Parker came to my office and stated, "If you do not fire KC, I will write you up myself." I had already begun to write the disciplinary action form and collect information for a meeting with Mayor Rue Rogers as he was part of the initial verbal warning Mr. Blassingame had received.

The incident has left me feeling deeply uncomfortable and concerned about the status of my employment and recently appointed interim position. As an employee of this organization, I expect to be treated with respect and not to be subjected to intimidation in any form.

Sexual Harassment

Experienced Summer 2022

During the summer of 2022, Mayor Pro-Term Parker carried a conversation with City Secretary Tammy Hourigan just outside her office in City Hall. Chief of Police Dan Birbeck had recently left City Hall after picking up mail, coding invoices for payment and making his customary check-in with his supervisor, myself. Mayor Pro-Term Parker commented on Chief Birbeck's visit and that "He only comes to City Hall to spend quality time with Arpegea because he likes her". As I heard this conversation myself, just outside my office, I stepped out and confronted Mayor Pro-Term Parker stating, "That is an inappropriate conversation and statement to make about the Chief and myself. I do not appreciate it, nor do I find humor in it. Please refrain from making comments of this nature." Mayor Pro-Term Parker simply laughed it off and I left the conversation.

Sexual Harassment

Experienced October 4, 2022

While attending the 2022 TML Conference in San Antonio, TX with Mayor Pro-Tern Parker, Councilmember Tommy Kimbro and City Secretary Tammy Hourigan, I again experienced and witnessed sexual harassment against myself and City Secretary Hourigan. During a break between sessions, the four of us met at the Exhibit Hall to explore vendors. At a point, City Secretary Hourigan recognized a vendor who has solicited the City of Olney's business to replace our meters with new meters. She called me over and I walked back to greet the vendor. After greeting the vendor and discussing the great attendance TML garnered, City Secretary Hourigan left to attend the next session and I went back to find Mayor Pro-Tern Parker and Councilmember Kimbro. Upon finding them, both men mocked in an animated manner how "I light up" every time I saw the vendor and how he "lights up" every time he saw me and that we just "light up the whole room" when we saw each other. After they had their laugh, I stated, "That is not true and I do not appreciate that. I am married and we are attending the mixer to that company." They continued to laugh and mock me in the Exhibit Hall as we walked around.

During this same conversation, both Mayor Pro-Tern Parker and Councilmember Kimbro stated that it was all in good fun and that they had asked City Secretary Hourigan if she was "bumping fuzzies" with her "beau". City Secretary Hourigan stated at that time that it was "none of their business". Again, I stated, "It is not anyone's business on what the nature of her relationship is and you should not be asking anyone those questions."

Mayor Pro-Tern Parker came into City Hall on October 10, 2022 and informed me that he spoke with Councilmember Kimbro and stated, "I told Tommy no more jokes about the water meter guy. What happens at TML, stays at TML." My comment was, "This should not have happened at all."

Sexual Harassment

Experienced March 2023

After my divorce was filed, it became public knowledge and several people felt it was necessary to fill in the blanks on what was happening. Several rumors started circulating and one in particular was spread further by Mayor Pro-Tern Parker and Councilmember Kimbro. Mayor Pro-Tern Parker approached employees in the Public Works Department (Shannon Adams and Jon Guerra, specifically) and asked them if they heard about the rumor between myself and Public Works Director Michael Jacoba. He also questioned City Secretary Hourigan of the same. Councilmember Kimbro approached Chief Birbeck and Investigator Dustin Hudson and asked them if they heard about the rumor between myself and Public Works Director Jacoba.

I also know other Councilmembers approached Mayor Rogers, but at no point was there an appropriate conversation or investigation conducted if there was any legitimacy to the rumor. The Councilmembers who approached City employees only served to further the rumor.

Mayor Pro-Tern Parker has also contributed to a toxic work environment in other ways:

- He came to City Hall and spoken inappropriately of City Clerk Cheyenne Keeter and activities he felt she was involved in. I informed him it is no one's business what activities a City employee is involved in so long as it is not illegal or affects their place of employment.
- He came to City Hall and discussed the marital issues of well-known citizens. I told him I was not interested in listening to it as it was no one's business but those in the marriage.
- He came to City Hall and informed City Secretary Hourigan, "No one will come to City Hall because they think you are all " I could this from my office next door and at this point I intervened and reminded City Secretary Hourigan of a "meeting" we needed to attend so he would leave City Hall.

- He told Public Works Director Jacoba in the common area of City Hall that his department was going to receive all the ARPA Grant funds because he "was not going to give the PD a single cent." I told him that was not accurate and that the Council as a whole would make that decision.

There are many other times where I felt it was necessary to ask Mayor Pro-Tern Parker to cease what ever conversation he was carrying as it would create discontent between employees and departments.

I made the best effort to do what's best for our City by addressing the issues in the moment. After the third time Councilmembers felt it was appropriate to link me romantically, sexually or inappropriately with other men is when I took action and reported my concerns with Mayor Rogers and Chief Birbeck as my witness.

I understand that the Council has policies in place to address such issues, but no necessary steps were taken to ensure a workplace free from any form of harassment. Perhaps it is believed Councilmembers are exempt of such policies. Instead, it was reported to me after multiple times discussing my concerns with Mayor Rogers, he told Mayor Pro-Tern Parker of my complaints and on at least one occasion, enjoyed lunch with him immediately after.

Effective communication and prompt reporting are integral to maintaining a safe and productive work environment. Failing to report incidents can have serious consequences for individuals involved and may also impact the overall well-being of our team.

I would like to discuss the reasons behind your failure to report and explore any challenges or concerns you may have had in doing so. It is important for us to understand the root cause of this lapse and work together to prevent similar incidents in the future.

Retaliation

Experienced October 16, 2023

October marked the full year in which I was appointed City Administrator without the Interim attached. During my first year as the Interim, I provided the Council with a self-assessment of my performance and where I felt I could improve. At no point did the Council provide any feedback, the Council simply awarded me with a 5% raise and told me, "Good Job". I was not given any direction the Council wanted followed, no suggestions where I could improve or any short term/ long term goals for the future. It was only when issues started coming to the surface with Mayor Pro-Tern Parker and I pushed back for his inappropriate behavior were individual Councilmembers starting to make remarks.

During this time, I still did not receive formal or reasonable criticism. Each Councilmember had a difference in opinions on what they felt was important and what direction they wanted to go in, but there was no succinct directive from the Council. During my review, Mayor Rogers stated that he recognized I was not given any clear direction. I received a poor review and only given a 2% raise.

During this time, we have received from Councilmembers these comments:

- Councilmember Harrison Wellman: "I will not read any of the documentation you send until the meeting."
- Councilmember Harrison Wellman: After explaining the RFP and sealed bid process, "How did we get away with not following this 7-8 years ago" My statement was, "It does not matter how 7-8 years ago, we will follow the rules and laws set **b tate** today."
- Councilmember Kimbro: "You crawling son's **ofial**"

- Mayor Pro-Tern Parker: "Why are you bring this to the Council" on agenda items that require Council approval and vote.

I request a thorough investigation into the matter to determine whether the actions I have experienced constitute retaliation. I am willing to provide any relevant information or evidence to support this investigation and appreciate your commitment to maintaining a fair and impartial process.

I also want to express my hope that the Council will take the necessary steps to prevent any further instances of retaliation and ensure a workplace culture that encourages open communication and transparency.

I look forward to a prompt resolution to this matter and appreciate your attention to my concerns.

Thank you for your understanding and cooperation.

Sincerely,

Arpegea Pagsuberon
City Administrator
City of Olney