Selby Explains Veto

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Jay Barrett/KMXT

Just when you thought the Mel Stephens lawsuit against the Kodiak Island Borough was finally over, the issue is coming back at this week’s assembly meeting. Mayor Jerome Selby vetoed a resolution passed on May 1st that would have paid the legal bills for three assembly members who hired their own attorney in the case. They were Tom Abell, Louise Stutes and Reed Oswalt.

Selby explained the reasons for his veto in a two-page letter dated May 6th, and summaries them for us:

-- (Boro Veto 1 30 sec “… and it’s just not the same thing.”)

Selby said the three assembly members, who all hired the same Anchorage attorney, should petition the court for payment, just as the plaintiff, Mel Stephens, did:

-- (Boro Veto 2 42 sec “… that’s part of the regular process.”)

Another of Selby’s points is that Abell, Stutes and Oswalt all have a financial conflict of interest in having their legal fees paid by the borough, and should not have voted on the settlement resolution. As mayor, Selby could well rule them ineligible to vote on overriding his veto because of the same potential conflict:

-- (Boro Veto 3 33 sec “… from my perspective is a clear violation.”)

If

he rules them ineligible, it would leave four assembly members to vote on the issue, and only two of them voted in favor of the payments in the first place, Pat Branson and Jerrol Friend. Sue Jeffrey and Chris Lynch voted no.

At the May 1st meeting, Abell threatened legal action if his attorney fees were not paid, but Selby says the supreme court has already ruled on a similar issue:

-- (Boro Veto 4 13 sec “… but the community doesn’t have to pay for it.”)

Stephens, a local attorney and former assemblyman, filed suit late last year claiming Jeffrey had missed too many meetings to be allowed to remain in office. A judge agreed with him in early December and Jeffrey was removed. The assembly voted to re-seat her in late December. Since then, Abell, Stutes and Oswalt have been trying to get their legal fees paid. Jeffrey, who also hired her own counsel, has not sought to be reimbursed by the borough.

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