

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, JANUARY 13, 2015, 7:00 PM

CALL TO ORDER: 7:33 p.m.

INVOCATION: Prayer given by Suellen Pennington.

PLEDGE OF ALLEGIANCE: Led by Mayor Foster.

ROLL CALL:

Present: Mayor Foster, Vice Mayor Simpson, Council Member Kelley, Council Member Warner, Council Member Orgeron, Council Member Davidson, Council Member St. Germain.

STAFF PRESENT: Skylor Miller, Town Manager; Kelly Schwab, Town Attorney; Patricia Ronan, Town Attorney; and Tina Abriani, Town Clerk

CALL TO THE PUBLIC:

Clair Packer of Gold Star RV Park announced that at the Gold Star RV Park, on Tuesday, January 20, 2015 at 11:00 a.m., 3:00 p.m. and again at 7:00 p.m., the Dutton Musical Group will be putting on a show.

ANNOUNCEMENTS:

None

CONSENT AGENDA:

1-a. **LEDGER OF ACCOUNTS PAID – Consider approval of check series 38347 - 38426, totaling \$227,310.99.**

1-b. **Consider approval of the minutes of the Special Meeting of December 19, 2014 and the Regular Meeting of December 23, 2014.**

■ The Mayor removed check numbers 38388 and 38418 – both associated with the water services, said the Mayor.

■ Council Member Davidson removed check numbers 38418, 38423, 38403, 38391 and 38390.

■ **Council Member Orgeron moved** to approve the consent agenda as amended (with the noted checks removed) and **Vice Mayor Simpson seconded**. The vote was unanimous. Motion Passed.

■ Town Manager Miller advised that the invoice for check number 38388, Water Bidding Services, to Atkins Engineering, is not very clear regarding the services involved.

■ The Mayor asked if approval of check number 38388 could be held for the next agenda after the Town Manager gathers more information. Town Manager Miller agreed.

■ Check number 38390, to Colby and Powell, was next up for review. Council Member Warner asked why the Town is paying Colby and Powell CPAs and Heinfeld, Meech CPAs.

■ Town Manager Miller explained Colby and Powell perform the audits and Heinfeld, Meech assists in the preparation for the audit.

■ Council Member Davidson asked about check number 38391 for physical exams. Council Member Davidson said he thought the physical exam happened when an applicant was closer to the point of actually being hired.

Town Manager Miller said physical exams are a legitimate expense of the hiring process and part of the background check.

■ Council Member Davidson asked how many officers had polygraph exams on the invoice for check number 38403.

Town Manager Miller stated that check was for three potential new officers.

■ Council Member Davidson and the Mayor wanted clarification on the services performed for check number 38418 to Atkins Engineering for preliminary engineering for the Water Department.

Town Manager Miller advised the invoice only identified a lump sum for preliminary engineering for the Water Department.

■ The Mayor asked for more documentation on check number 38418.

■ Check number 38423 made payable to Atkins Engineering was discussed.

Town Manager Miller stated the invoice was for Quail Trail Rehabilitation and some of the meetings Atkins had with ADWR in preparation for the required Colorado River Allocation Report.

■ Council Member St. Germain stated he wants a complete breakdown on invoices from Atkins in the future.

■ The Mayor stated check number 38388 and check number 38418 are being held for approval at a later date.

■ The Mayor asked for a motion to approve check numbers 38390, 38391, 38403 and 38423.

Council Member Orgeron moved to approve and Vice Mayor Simpson seconded the motion. The vote was unanimous. Motion Passed.

ADMINISTRATIVE ITEMS:

- 2. SETTLEMENT AGREEMENT - Discussion and possible action on authorizing the Town Attorney to file a petition for writ of certiorari to the Arizona Supreme Court or authorizing the Town Attorney and Town Manager to negotiate a settlement agreement to resolve the Foster v. Town of Quartzsite litigation.**

■ Town Attorney Schwab stated she did not believe any action would be taken on this item and requested that Council move to the next item.

Vice Mayor Simpson moved to table Item 2, the Settlement Agreement, and Council Member Kelley seconded the motion. Vote: Motion Passed (summary: Yes = 6, No = 0, Abstain = 1). Yes: Council Member Davidson, Council Member Kelley, Council Member Orgeron, Council Member St. Germain, Council Member Warner, Vice Mayor Simpson. **Abstain:** Mayor Foster.

- 3. RESOLUTION NO. 13-09 - Discussion of repealing Resolution No. 13-09, an emergency resolution regarding the negotiation of a note from the United States government by the Town of Quartzsite Municipal Property Corporation. Item requested by Vice Mayor Simpson.**

■ Town Attorney Schwab asked that the Mayor entertain a motion to table this matter in light of future discussions.

■ **Vice Mayor Simpson moved to table Item 3, Resolution 13-09, and Council Member Davidson seconded the motion. The vote was unanimous. Motion Passed.**

- 4. MUNICIPAL UTILITY ADMINISTRATIVE COMMITTEE MEMBER REAPPOINTMENT - Consider and possibly approve the reappointment of Richard Thompson, a regular member of the Municipal Utility Administrative Committee, whose term expires January 2015. The position's new term would expire January 2018.**

Richard Thompson approached the podium. **Council Member Orgeron moved** to reappoint Richard Thompson with a term to expire January 2018 and **Council Member Kelley seconded** the motion. The vote was unanimous.

5. REPRESENTATIVE FOR LPCAC - Discussion and possible action to appoint an elected official to serve on the Western Arizona Council of Governments La Paz County Advisory Council (LPCAC).

Council Member Kelley volunteered to serve on this council. **Council Member Orgeron moved** to appoint Council Member Kelley to serve on the Western Arizona Council of Governments LPCAC. **The Mayor seconded** the motion. The vote was unanimous. Motion Passed.

6. REPRESENTATIVE FOR THE EXECUTIVE COMMITTEE - Discussion and possible action to appoint an elected official to serve on the Western Arizona Council of Governments Executive Committee.

Council Member Kelley volunteered to serve on this committee. **Council Member Orgeron moved** to appoint Council Member Kelley to serve on the Western Arizona Council of Governments Executive Committee. **Council Member Warner seconded** the motion. The vote was unanimous. **Motion Passed.**

7. POLICE DEPARTMENT

- **Council/Community needs: Discussion regarding Quartzsite's goals and desired level of service for the Police Department, including the number of officers, shift assignments and budget.**
- **Budget: Review and discussion of the Quartzsite Police Department Budget, including personnel, equipment, training and insurance.** *Item requested by Council Member Davidson.*

Council Member Davidson explained he put this on the agenda in case sometime in the future there are negotiations with the Sheriff's Department to provide police services for the Town.

Council Member Davidson moved to open (the agenda item) to the public. **Vice Mayor Simpson seconded** the motion. The vote was unanimous. **Motion Passed.**

Council Member St. Germain invited the new Interim Chief of Police to speak regarding this agenda item and Council Member Davidson agreed.

The Mayor introduced Chief Renfro to the people in the audience. Chief Renfro turned from the podium to face the audience and the audience clapped.

Chief Renfro started with some statistics. In 2013, the Police Department had 13 officers and in 2014 there were 11 officers. Chief Renfro advised the Police Department now has seven officers and will soon be down to six, with one officer in training.

Chief Renfro reviewed statistics from Dispatch which is operated by the La Paz County Sheriff's Office. He advised that in 2013, the Quartzsite Police Department had 5,677 calls to service and in 2014 there were 4,576 calls to service.

Chief Renfro stated calls to service are broken down, in law enforcement, into proactive and reactive. He said officers who are proactive are out there looking, writing citations, seeing crimes happen, and making arrests and those types of things. He said the reactive side is when an officer is responding to calls for service.

Chief Renfro stated there was no chief in 2014. There were 1,664 proactive traffic citations issued in 2013. In 2014, with no leader and no chief, there were 732 proactive traffic citations issued.

Chief Renfro advised the Council that the Police Department is very understaffed. He stated that none of his officers, that he has spoken to, have had a vacation in the last ten months. Some of the officers have lost vacation time because of having too much accumulated vacation time and not being able to take the time off before it expired because of the lack of officers.

Chief Renfro spoke of the upcoming busy weekend. He stated he wonders how the Police Department will be able to respond to all the calls for service with so few officers. He advised that he and his Department have reached out to the La Paz County's Sheriff's Office, the Parker Police Department, the Department of Public Safety (DPS) and the Colorado River Indian Tribes' (CRIT) law enforcement team and bonded with them to try to work better and closer with them in partnerships in the future.

Council Member Davidson asked Town Manager Miller what the current budget is for the Police Department.

Town Manager Miller replied the Police Department's budget for Fiscal Year 2014 – 2015 is \$1,169,831. He advised that not all of that is operational; approximately \$100,000 of that is for police settlement expenses. Town Manager Miller advised that he does not have the information with him, but believes 13 officers were listed in the Police Department's budget.

Monica Timberlake spoke regarding the Town's Officers' loss of vacation pay. She asked that the Town staff and Council figure out a way to give the vacation time back as it is not the officers' fault the Town has been understaffed. She said these officers work very hard and deserve their time off.

Jennifer Jones spoke regarding Quartzsite Chatter; and the Police Department's budget, cars and radios. She asked that a complete audit of the Department be

performed to determine if the Town can afford to bring the Department up to a functioning number of officers to keep the community safe.

■ Starr BearCat spoke regarding the Police Department, stating it is an integral part of the community and she noted that the Police Department has contact with the community on a regular basis. She stated the Police Officers know the people who should be here and who should not be here. She spoke of a recent theft; the Sheriff's Department; and adequate Police Department staffing.

■ Council Member Kelley spoke regarding Ms. Jones' comments. Council Member Kelley asked that Chief Renfro be given some time to address issues.

■ Mike Jewitt, citizen of Quartzsite, spoke regarding the officers not being able to take vacation. He suggested offering straight time pay for vacation hours that exceed the maximum limit; or, extend the time period for taking the vacation time off by adding six more months in which to use it, if the Department is too understaffed to allow it to be taken.

■ Mayor Foster advised that during his first term as Mayor, the Council did approve requests for payment of vacation that was not to be used. The Mayor stated the current Council has not received requests for payment of vacation and he doubts that the Council would have disapproved payment for vacation.

■ Council Member Orgeron stated the Council would hope that Chief Renfro and Mr. Miller would come to some sort of resolution regarding the vacation time.

The Mayor said he would hate to think that anybody lost vacation time and that the Town should be able to retroactively be able to take care of that problem.

■ Town Manager Miller stated he will put together a full report regarding lost vacation time.

■ Shanana Rain GoldenBear stated she fully supports having a local Police Department. She spoke regarding staffing of the Police Department and coverage during the night. She advised that she would like to have thirteen officers on staff, as budgeted. She hopes that with the new Chief here, the future of the Police Department will be very positive and she noted that positive comments are what she has heard about him.

■ Council Member Davidson said that now that it is known how many officers the Town wants and what the budget for the Department is, if, in the future, the Town could get the same number of trained officers for less money, it would be something to look at.

■ Council Member St. Germain spoke regarding rumors, the past and starting a new year here in Quartzsite. He stated the citizens require the Police Department for their safety. He advised that the Council is here for the future of the Town and the community.

8. WORLD ON THE WIND AIRSTRIP - Discussion and review of the approval process to issue a Town letter to the U.S. Department of Transportation Federal Aviation Administration stating the airstrip does comply with local planning and zoning laws and regulations, as well as any ordinances, laws, or regulations of any other government body or agency. *Item requested by Mayor Foster.*

■ The Mayor asked Town Manager Miller for an update on this item.

■ Town Manager Miller advised that, without any Council action, staff could provide a zoning determination that states the current status of the airstrip is legal non-conforming. The current zoning of the property is C-2, a business district. Airfields are not permissible in that district; however, this airstrip pre-dates the current zoning. Town Manager Miller said he does not know how that situation came to be.

■ Town Manager Miller advised that for any future expansion of the airstrip, full compliance with the zoning code would be required; but today, the Town could issue a letter stating the property is legal non-conforming. Town Manager Miller said he believes the letter would be satisfactory for Mr. Oldham at present but there is an understanding that should any future expansion or any expansion of the use take place, it would need to be rezoned.

■ Mayor Foster asked Mr. Oldham if that satisfies his requirements as far as he understands the letter from the federal government.

■ Mr. Oldham replied that he thinks so. He advised that the airstrip is used almost daily and has been there over thirty years. Mr. Oldham said that he appreciates the consideration given to the matter.

■ Council Member Kelley advised the letter from the federal government stated the study did not include an environmental review.

■ Town Manager Miller stated that is outside the scope of local regulations. He said, for the purposes of this airfield, the Town's scope is zoning and local regulations. He also said that any future buildings would have to have permits.

■ The Mayor directed staff to put the letter in the mail. Town Manager Miller replied that the Town will provide a zoning determination.

9. TOWN VEHICLES - Discussion by Council to resolve to set policy on use of Town vehicles to include a requirement that all Town vehicles shall be parked on Town property or in an approved maintenance facility when not in service. Item requested by Mayor Foster.

■ The Mayor advised that this discussion did take place a few weeks ago. He stated that the Town needs an official Town vehicle policy.

■ Town Manager Miller advised Council that they had before them the existing Town vehicle policy that is in place. He advised there are take home vehicles used by employees.

■ Town Manager Miller explained that the existing policy does allow for on-call staff to have take-home vehicles. If there were to be a water main break, the employee on-call would be the one responding to it. The employee would not need to go to the plant to load up tools because they would have them on their truck. Town Manager Miller said it is the same for police officers.

■ The Mayor spoke regarding employees having company vehicles to use as personal vehicles and the costs related to those vehicles.

■ Council Member Davidson asked how many are driven home by the employees.

■ Town Manager Miller stated he can provide that list which does include his vehicle.

■ The Mayor called for this to be on the next meeting's agenda with possible action to set a policy exactly as the agenda item states. He wants a roll call vote on the matter.

Council Member Orgeron asked questions regarding on-call and on duty.

■ Town Attorney Schwab advised that the Town has approved two contracts with two employees that include take home vehicles.

■ Council Member St. Germain asked Town Manager Miller how many employees had a town vehicle, as a fringe benefit and had it added to their W-2.

■ Council Member St. Germain said he does not understand why an on-call employee needs to take a vehicle home in such a small town.

■ Council Member St. Germain is looking for a policy regarding take home vehicles for each department.

■ Town Manager Miller asked if it is agreeable to supply that information as part of the action item. The reply was yes.

■ Vice Mayor Simpson requested any information the Town has on anyone that is taking Town owned vehicles outside the Town limits, or anything that would impact the Town's insurance.

■ Council Member St. Germain asked for the total number of Town vehicles and copies of the operating and mileage logs for each vehicle.

■ The Mayor directed that this item be brought back for action.

10. HIRING FREEZE - Discussion by Council to resolve to declare a hiring freeze and to have all future new hires approved by Council. Item requested by Mayor Foster.

■ The Mayor advised there was a Council meeting in which the Council Members' pay was reduced by \$100. He said at some point in that discussion, there was a hiring freeze placed on the Town staff. He advised that has never been removed, just ignored and the Town left the hiring in complete control of the Town Manager.

■ The Mayor stated that according to the rule then, all hiring, transfer and promotion actions must be approved by the Council. He stated that he would like to bring these matters before the public eye. He said the Council should vote on these matters as they involve the budget. The Mayor spoke regarding the County's policies regarding this matter.

■ The Mayor asked that a resolution be brought before the Council, at the next meeting, for approval, to put into effect a hiring freeze. He advised that the resolution should include that these things shall be brought before the Council for final approval.

There was discussion regarding recruiting and hiring police officers.

The Mayor stated that once a paycheck is involved the Council should have control.

■ Town Manager Miller asked if this could be a Town Code amendment. The Mayor said as long as the final result is that all hiring, transfers and promotions be brought before the Council for final approval.

■ The Mayor said the Council approval for hiring, transfers and promotions is for the position, not the person.

■ The Mayor directed staff to put this issue in the form of a resolution or code amendment and that it be brought before the Council for a vote.

Town Manager Miller asked if he may proceed with staffing the Police Department and if there is any issue with continuing the hiring process. The Mayor replied that there is no issue with that.

11. Reports from the MAYOR on current events.

■ The Mayor announced a dinner would be held in Kingman on the evening of Wednesday, January 14, 2015. The Mayor said Congressman Gossar is scheduled to be there for a discussion of the issue of the Planet Ranch Water Exchange. The Mayor advised that he will be attending that dinner.

12. Reports from the COUNCIL on current events.

■ Council Member Kelley announced La Posa is going to have a meeting regarding ATV trails on Wednesday, January 21, 2015, from 3:00 p.m. – 6:00 p.m. at the Quartzsite Community Center.

■ Council Member Kelley advised everyone they need to attend the meeting because some visitors come here for the trails to ride which is the Town's economy. She said, "Don't let them close these trails."

■ Council Member Kelley spoke of another meeting scheduled for January 23, 2015. She advised that John McDonald is scheduled to speak at the meeting which is not regarding closing trails.

■ Council Member St. Germain announced that Mr. Kim Scott, over at the Big Tent, has donated a space for the community. He advised that any community groups, such as the food bank, the churches and the museum are more than welcome to contact Mark Goldberg who did send out some emails, but could not get to everyone. The groups that would each man the booth for one day would be promoting the Town of Quartzsite. Council Member St. Germain stated he volunteered to man the booth for two days.

■ Vice Mayor Simpson spoke regarding the Council's opportunity to witness the inauguration of the Governor, the Secretary of State and the State Attorney General; and his experience witnessing that. He stated he has positive hopes for the Governor's plans.

13. Reports from the TOWN MANAGER to the Council.

■ Town Manager Miller stated the Town will confirm the dates of the two trail meetings and post notices at the posting places and on the website. Possible Quorum notices will be issued.

■ Town Manager Miller advised that the Hi Jolly Parade took place during the past weekend and he spoke regarding his spectator's perspective. He thanked the groups for their participation.

■ Town Manager Miller stated he has been working with John McDonald and his staff of the BLM. They have been working to obtain a formal confirmation that the Town can move forward with the dog park. Town Manager Miller said he hopes the new dog park will be in place by the first quarter of 2015.

■ Town Manager Miller advised that BLM cannot permit a long term lease of land for something as permanent as a cemetery. He explained the cemetery is not at capacity yet, but there is a need to plan for the future.

■ Town Manager Miller spoke regarding a request to the BLM for the use of land as a private right-of-way for a citizen.

COMMUNICATIONS FROM CITIZENS:

■ Jennifer Jones spoke regarding the Council's request for work sessions related to the water and sewer rates and the wastewater treatment plant expansion. She said the Council needs copies of all the actual documents that are on file for the WIFA and USDA loan and grant package. She spoke of a memorandum from Town Manager Miller to the (previous) Council. She noted the last statement at the bottom of page one states the current grant and loans will be inadequate to complete the project.

■ Mike Jewitt stated that at the last meeting here, he raised an item at the Call to the Public regarding a referenced meeting with the Sheriff and requested that the citizens hear about it tonight.

■ Traveling David, a long time traveler and a visitor to Quartzsite, informed the general public that the Town has online, on its website, annual financial statements and independent auditors' reports. He noted figures from those reports. He stated the Town of Quartzsite is a legal entity, not a geographical entity.

■ Pam Kasky, local citizen, expressed her concern over not allowing police officers to take their vehicles home when on-call. She advised it will take them longer to respond to an emergency without a vehicle at home if they are on-call.

■ Shanana Rain GoldenBear spoke regarding Council policy and the School Board meeting she attended that afternoon. She spoke of board responsibilities; governing boards; atmospheres of mutual respect; enforcement of the organizational chart; chain of command; monitoring versus managing; enforcing, adhering to, and evaluating policies; and the trickle-down effect.

■ Judy Clark, Branch Manager of the Horizon Community Bank in Quartzsite, asked that some of the Council Members sign paperwork for the bank before they leave.

ADJOURNMENT: 8:55 p.m.

■ **Council Member Orgeron moved** to adjourn and **Council Member St. Germain seconded** the motion. The vote was unanimous. **Motion Passed.**

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of January 13, 2015, of the Town Council of Quartzsite, Arizona, held on January 13, 2015.

I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 27th day of January 2015

Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:

Ed Foster, Mayor