

**MINUTES**  
**TOWN OF QUARTZSITE**  
**REGULAR MEETING OF THE COMMON COUNCIL**  
**TUESDAY, FEBRUARY 11, 2014, 9:00 AM**

**CALL TO ORDER:** 9:00 AM

**INVOCATION:** None

**PLEDGE OF ALLEGIANCE:** Council Member Orgeron led the pledge.

**ROLL CALL:**

**Present:** Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron, Council Member Scott, Council Member Timberlake.

**ABSENT:** No one

**STAFF PRESENT:** Laura Bruno, Town Manager; Susan Goodwin, Town Attorney; Tina Abriani, Town Clerk

**APPROVAL/AMENDMENT OF AGENDA:** Vice Mayor Jewitt moved to approve the agenda as presented and Council Member Kelley seconded the motion. The vote was unanimous. **Motion Passed.**

**PRESENTATIONS; PROCLAMATIONS:**

1. **PRESENTATION - Congressman Paul Gosar's Office will be recognizing the General Store's contributions to the community.**

Ms. Penny Pew, a representative from Congressman Paul Gosar's Office, told the story of how the General Store came to be recognized.

On Thursday, December 12, 2013, Congressman Gosar went before the House and addressed the Speaker to congratulate the proprietors of the General Store, Don and Lois Moore, for 41 years of contributing to the community.

The Moores approached the podium to receive their recognition award.

**CONSENT AGENDA:**

- 2-a. **LEDGER OF ACCOUNTS PAID – Consider approval of check series 36857 - 36915, totaling \$119,993.49.**
- 2-b. **MINUTES – Consider approval of the minutes of the Regular Meeting of January 14, 2014 and the Regular Meeting of January 28, 2014.**

**Council Member Orgeron moved** to approve the consent agenda as written and **Vice Mayor Jewitt seconded** the motion. The vote was unanimous. **Motion Passed.**

**ADMINISTRATIVE ITEMS:**

**3. EXECUTIVE SESSION**

- **An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding legal issues related to the selection of a town manager and pursuant to A.R.S. § 38-431.03(A)(1) for discussion and consideration of the following applicants for employment as town manager:**
- **Skylor Miller**
- **Robert Wherry**

**ADJOURN TO EXECUTIVE SESSION - 9:06 AM**

**Council Member Orgeron moved** to adjourn to executive session and **Council Member Kelley seconded** the motion.

**RETURN TO OPEN SESSION - 9:42 AM**

Mayor Foster called the meeting back to order.

**ROLL CALL:**

**Present:** Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron, Council Member Scott, Council Member Timberlake.

**4. TOWN MANAGER – Direction to staff regarding negotiation of a contract.**

Mayor Foster asked the Council Members who they are leaning toward in their decision and why. He called upon the Council Members individually.

Council Member Timberlake explained that she was looking to Skylor Miller to bring a fresh perspective to the Town and to help the Town to grow and progress.

Council Member Scott explained she was looking forward to the future. She stated she was in support of Robert Wherry for this position. Council Member Scott noted Mr. Wherry's experience and stability.

Council Member Orgeron stated the deciding factor, for him, was in the interview process. He explained that he thought Mr. Miller would bring good experience, knowledge and new ideas of which Quartzsite is in need.

Council Member Crooks thanked the attorneys and Town Manager Bruno for their work in the process. She stated she appreciated the positive, moving forward attitude shown by Skylor Miller.

Council Member Kelley said the Town needs to move forward and needs someone that reaches out. She stated she is going with Skylor Miller.

The Mayor chose to go with Mr. Wherry with needed experience for the obstacles in our future.

Vice Mayor Jewitt shared his impressions and stated the Town needs the broad experience that Mr. Wherry brings.

The Mayor explained the reason for the discussion of the candidates taking place in the open session. He stated the people in the audience should understand the thought process that the Council went through in coming to a consensus.

Vice Mayor Jewitt pointed out they he will support either candidate by equal measure. The other Council Members agreed.

**Council Member Orgeron directed** town staff to begin the negotiation process of a contract with Mr. Skylor Miller for the position of Town Manager. **Council Member Crooks seconded** the motion. There was a single nay vote. **Motion Passed.**

**5. TOWN CODE – Discussion and possible action regarding the Town Code, Chapter 3, Administration, Section 3-1-1, Officers, and the conflicts it creates throughout the Town Code.**

Council Member Scott said a new Town Manager will be coming on board and it is a good time to look at some of these codes because some of them are very confusing. She noted, in particular, Chapter 3, Administration, Section 3-1-1, Officers. She read this section aloud: There are hereby created the offices of town manager, town clerk, police chief, town engineer, town attorney and town magistrate who shall be appointed by the Council and who shall serve, with the exception of the magistrate, at the pleasure of the Council. The magistrate shall be appointed for a term of office as provided in Section 5-2-1.

Council Member Scott read Section 3-2-2, Town Clerk, aloud, The Clerk shall be appointed by the Town Manager. She read aloud: The town engineer shall be appointed by the Council in Section 3-2-4, Town Engineer; and in Section 3-2-5 it reads: The Town Attorney shall be appointed by the Town Manager under contract terms approved by Council.

Council Member Scott stated her position is that the Council should have more control. She wants to keep Section 3-1-1. She said she does not want to supervise employees. She stated she believes the Council is responsible for everything done correctly or incorrectly.

Council Member Scott stated that she believes that it would be a better check and balance system if Section 3-1-1 were the guiding code.

The Mayor suggested that a work session be held, with legal advice and the public. He went on to say they could find the conflicts one at a time and resolve them with discussion.

The Mayor directed staff to schedule a work session for Wednesday, February 19, 2014 at 9:00 am.

#### **6. CHIEF OF POLICE – Discussion and direction regarding the interview and hiring process for the position of Chief of Police.**

Council Member Timberlake wants to have part in the decision of who will be the Chief of Police. She wants to be part of the process as a Council Member. She wants to see the interview process be similar to the process for hiring a town manager. She wants to have a Police Officer in the executive session to help interview for the position of Chief of Police.

Council Member Scott would like to see the applications and qualifications and to be more involved in the process of hiring a Police Chief.

Council Member Orgeron would like to have a panel of professionals, from outside the area, which would choose the top two or three candidates; then the Council could decide which one to appoint.

Council Member Scott asked if they could use Council Member Orgeron's idea and have the Council be with the panel and ask questions, if they have questions.

Council Member Crooks asked the Town Manager and the Town Attorney where the Town stands in the process of hiring a Chief of Police.

Town Manager Bruno advised Council that eight applications have been received. This position has been advertised as open until filled. It was indicated that the first reading of the applications will be on Monday, February 17, 2014.

Town Manager Bruno has been working with DPS and AZPost to see if they each could provide an individual to serve on the panel. She has also been working with the attorneys to see if they can get a Police Chief or a police professional of high rank from a municipality, larger than ours, to serve on the panel to help with the interviews. Once the interviews were completed and the candidates have been ranked, then a final recommendation would come before the Council for concurrence on a proposed contract. Town Manager Bruno said this was a synopsis of what the process would look like.

Council Member Scott asked the Town Attorney if there is anything wrong with the Council being more involved. Attorney Goodwin replied, there is not a problem, legally, with the Council being involved in the appointment.

Council Member Timberlake explained she would like more involvement than just reading about the candidates. She would like to meet the people and listen to them so that she can say why she made the decision that she made.

Council Member Orgeron said if the initial process is taken care of, the Council can choose from the top three candidates.

Council Member Crooks asked the Town Attorney about the Council being involved at the various stages of the process. Attorney Goodwin listed some options for Council's involvement.

Council Member Orgeron suggested appointing two liaisons.

Town Attorney Goodwin said she thought the Council should decide if the interviewing will be done by the Council or a committee.

Council Member Orgeron stated he would prefer to have a committee and to have those that would be the final applicants, be brought before the entire Council.

Council Member Scott liked the idea of having Council Members as part of the committee.

Mayor Foster and Council Member Timberlake would like to be part of the committee.

Council Member Crooks expressed her concern regarding publicizing confidential information of the candidates.

Attorney Goodwin explained the interviews would not be public meetings.

**Council Member Orgeron moved** to direct Ms. Bruno to include, when assembling the panel for the Chief of Police position, Ms. Timberlake and Mr. Foster on that panel. **Vice Mayor Jewitt seconded** the motion. The vote was unanimous. **Motion Passed.**

#### **COMMUNICATIONS:**

##### **7. Announcements and Reports from the MAYOR on current events.**

Mayor Foster announced the primary election will be held on August 26, 2014 and the general election will be held on November 4, 2014.

Nominating petitions are for the position of Council Member.

The Mayor stated there will be, on the ballot, one section with four seats. He stated Ms. Kelley, Ms. Crooks, Mr. Jewitt and Ms. Scott are all up for four year terms. On a separate part of the ballot, there will be a section for a two year term. Ms. Timberlake will be up for a two year term.

Each candidate will file for either a two year term or a four year term.

The dates for filing will be: no earlier than April 28, 2014 and no later than May 28, 2014.

The required number of signatures on the nominating petitions is 36 minimum, and a maximum of 70.

July 17, 2014 is the deadline to file nomination papers from write-in candidates.

July 28, 2014 is the deadline for registration for qualifying to vote in the election.

#### **8. Announcements and Reports from the COUNCIL on current events.**

None.

#### **9. Reports from the TOWN MANAGER to the Council.**

Town Manager Bruno advised the Council that the closing on the USDA loan for the improvements to, and the expansion of the wastewater treatment plant, have been delayed due to the pending litigation of Foster v. Quartzsite. The USDA has advised that the funds will remain available for now. The judge has dissolved the Temporary Restraining Order and dismissed the complaint with prejudice. The Town is currently waiting for the judge's decision on Mayor Foster's Motion for Reconsideration.

Town Manager Bruno stated she will keep the Council posted on the status.

### **COMMUNICATIONS FROM CITIZENS**

Jennifer Jones, resident, read aloud an article from the Arizona Republic regarding recall petitions and the Town Manager in Cave Creek, Arizona. She also stated that she thinks the Council made the wrong choice for Town Manager.

Terry Frausto, local resident, thanked the Council for all the work they do and have done for the community.

Marilyn McFate pointed out that the elections will not be held on the 24<sup>th</sup>.

Shanana Rain GoldenBear said it was a very nice experience to be able to hear the reasons for the Council's decision. She said it was nice to see the respect that the Council showed one another. Regarding the Grand Gathering, she said registration

began yesterday at the Q.I.A. She invited everyone to be part of the largest human letter 'Q' on March 9, 2014.

At the Mayor's request, Shanana Rain GoldenBear announced: Local resident, Richard Trusty, and his team have created The Gold, Treasure & Craft Show. The event will be held on Friday, Saturday and Sunday, February 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> at the Q.I.A. The charge will be \$5.00 per person. She also stated the Desert Bloom Rally will be held this weekend.

**ADJOURNMENT:** 10:30 AM - **Vice Mayor Jewitt moved** to adjourn the meeting and **Council Member Kelley seconded** the motion.

**CERTIFICATION:**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of February 11, 2014, of the Town Council of Quartzsite, Arizona, held on February 11, 2014.

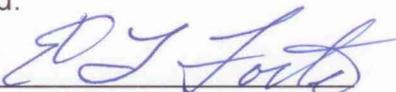
I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 25<sup>th</sup> day of February 2014

  
Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:

  
Ed Foster, Mayor