MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, OCTOBER 22, 2013, 9:00 AM

CALL TO ORDER: 9:00 AM

INVOCATION: None

PLEDGE OF ALLEGIANCE: Council Member Orgeron led the Pledge.

ROLL CALL:

Roll Call.
Present: Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron, Council Member Scott.

ABSENT: None

STAFF PRESENT:
Laura Bruno, Town Manager; Patricia Ronan, Town Attorney; Tina Abriani, Secretary

APPROVAL/AMENDMENT OF AGENDA:

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

PRESENTATIONS; PROCLAMATIONS:
None

CONSENT AGENDA:

1. LEDGER OF ACCOUNTS PAID – Consider approval of check series 36291 - 36339, totaling $40,218.84.

2. MINUTES – Consider approval of the minutes of the Regular Meeting of October 8, 2013.

Vice Mayor Jewitt moved to approve the consent agenda as presented and Council Member Crooks seconded the motion. **Motion Passed**.

PUBLIC HEARING:
3. PUBLIC HEARING – Conduct a Public Hearing on the 2013 Community Development Block Grant ("CDBG") Item solely for the purpose of correcting the funding year to 2013.

The Mayor opened the Public Hearing. No Discussion. Public Hearing closed. No action required.

ADMINISTRATIVE ITEMS:

4. AGENDA FORMAT – Discussion and consideration of a possible change to the Consent Calendar portion of the Council Agenda format.

Council Member Scott spoke regarding the current consent agenda.

Council Member Scott moved to change the consent calendar portion of the council agenda format to have sub-sections a, b, c, and d and all be listed under one main section. Vice Mayor Jewitt seconded the motion. **Motion Passed**.

5. ALTERNATE ELECTED DESIGNEE – Consider nomination and approval of an Alternate Elected Designee for purposes of signing bank drafts and checks on behalf of the Town.

Council Member Crooks made a motion to nominate and approve one alternate elected designee for purposes of signing bank drafts and checks on behalf of the Town with the term to expire July 31, 2015. She nominated Mark Orgeron. Vice Mayor Jewitt seconded the motion. Attorney Ronan restated the proper motion for clarity: the nomination and appointment of Mark Orgeron to the post of alternate elected designee. **Motion Passed**.

6. COUNCIL INTERVIEWS – Council interviews of applicants for Council Member appointment to the Quartzsite Common Council: For discussion or consideration of possible appointment to the Common Council:

Council Member Kelley moved to do this in executive session and Council Member Crooks seconded the motion. Council Member Scott asked if this motion can be made and is correct as the interviews taking place in Executive Session was not posted. Attorney Ronan stated the Council may make this motion since it deals with personnel, if the interviewees do not object.

The Mayor called for a roll call vote.

Vote: Motion passed (summary: Yes = 4, No = 2, Abstain = 0).
Yes: Council Member Kelley, Council Member Crooks, Council Member Orgeron, Council Member Scott. **No:** Mayor Foster, Vice Mayor Jewitt.

Applicant Paul Carnevale was interviewed by the Town Council.

Applicant Joe Winslow was interviewed by the Town Council.

Applicant Monica Timberlake was interviewed by the Town Council.

The Mayor asked the attorney if there is any prohibition against Ms. Timberlake sitting on a school board and the Town Council.

Applicant Sally Ford was interviewed by the Town Council.

Attorney Ronan explained that her prior legal advice regarding the interviews being conducted in Executive Session changed to: because this actually wasn't noticed as a potential Executive Session Item, it is appropriate that all the interviews be conducted in public. She stated that Ms. Timberlake can be on both board and council if only one position is paid. For Ms. Timberlake, one position is paid and the other is not.

Applicant Mr. Mitchell was interviewed by the Town Council.

7. COUNCIL MEMBER APPOINTMENT – Consider appointment of a Council Member to the Quartzsite Common Council to fill a vacancy created by the resignation of Ms. Patricia Workman (whose term expires in 2016) until the next regularly scheduled election – Fall 2014.

Council Member Scott stated whoever would be picked today will be an asset and she thanked all the applicants. The Mayor also thanked all the applicants. Council Member Kelley stated that she thinks all the Council Members all feel the same way.

Vice Mayor Jewitt moved to appoint Sally Ford to the position of vacant Council Member. Council Member Crooks seconded the motion.

The Mayor called for a roll call vote.

Vote: Motion failed (**summary:** Yes = 2, No = 4, Abstain = 0).
Yes: Vice Mayor Jewitt, Council Member Crooks.
No: Mayor Foster, Council Member Kelley, Council Member Orgeron, Council Member Scott.

Council Member Scott nominated Paul Carnevale and Council Member Orgeron seconded the motion.

The Mayor called for a roll call vote.

Vote: Motion failed (**summary:** Yes = 3, No = 3, Abstain = 0).
Yes: Mayor Foster, Council Member Orgeron, Council Member Scott.
No: Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks.

Vice Mayor Jewitt nominated Joe Winslow and there was no second to the motion. The motion died.

Council Member Scott nominated Monica Timberlake and Council Member Kelley seconded the motion.

The Mayor called for a roll call vote.

Vote: Motion passed (summary: Yes = 4, No = 2, Abstain = 0).
Yes: Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Scott.
No: Council Member Crooks, Council Member Orgeron.

Monica Timberlake was elected.

ADJOURNMENT: 9:58 AM
Council Member Orgeron moves to go into Executive session. Council Member Crooks seconded the motion.

EXECUTIVE SESSION:

Executive session pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion or consultation with the Town Attorney for legal advice and in order to consider its position and instruct its attorneys regarding the Town's position regarding the contract with Police Chief Jeff Gilbert that is the subject of negotiations.

An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation with the Town Attorney for legal advice regarding attorney-client privilege and the waiving of the attorney-client privilege with respect to two legal opinions: Scope of Mayoral Powers and Boards of Adjustment.

RETURN TO OPEN SESSION: 11:00 AM

Roll Call.
Present: Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron, Council Member Scott.

The Mayor announced the next two items on the agenda will be taken in reverse order.

10. WAIVER OF ATTORNEY-CLIENT PRIVILEGE – Discussion and consideration of waiver of the attorney-client privilege with respect to designated legal opinions regarding the Scope of Mayoral Powers and Boards of Adjustment.

Council Member Scott asked for discussion. She stated that at the work session the attorney said she didn't have any problem with the items being waived.

Council Member Scott moved for to approve waiver of attorney-client privilege for two communications from the Town Attorney's office concerning first, Powers of the Mayor, the legal opinion dated 10/15/13 and second the Boards of Adjustment the memorandum dated 10/15/13. Council Member Crooks seconded the motion. **Motion Passed**.

9. CONTRACT WITH POLICE CHIEF – Consider Action Regarding Contract with Police Chief Jeff Gilbert.

Vice Mayor Jewitt recused himself due to divided loyalties and excused himself from the Dias.

Council Member Orgeron moved to immediately terminate the contract with Jeff Gilbert without cause and direct the Town Manager to comply with the severance provisions. Council Member Scott seconded the motion and stated there is a direction in which the Town is going and that the Chief is going in a different direction and financially this is probably the best thing to do for the Town.

The Mayor called for a roll call vote.

Vote: Motion passed (**summary:** Yes = 5, No = 0, Abstain = 1).
Yes: Mayor Foster, Council Member Crooks, Council Member Orgeron, Council Member Scott.
Abstain: Council Member Kelley.

The Mayor directed the Town Manager to terminate the contract as provided under the contract.

COMMUNICATIONS:

Announcements and Reports from the MAYOR on current events.

The Mayor announced that behind Carl's Junior there is a little construction project. Tesla Motors has contracted with Carl's Junior to provide a charging station for electrical automobiles.

Announcements and Reports from the COUNCIL on current events.

Council Member Orgeron directed the Town Manager to set up a special meeting for the boards. The Town Manager and the Council established Thursday at 1:00 PM for the special meeting.

Reports from the TOWN MANAGER to the Council. The Town Manger had no reports.

COMMUNICATIONS FROM CITIZENS:

Council Member Crooks asked that the Town's attorney admonish the public regarding the Call to the Public.

Attorney Ronan explained that the Call to the Public is limited to any item that has not been on the agenda. There is a three minute limit for each speaker. There is no other limitation on the topic as long as it is not something that has been presented to the Council and posted on the agenda.

Jennifer Jones stated that she is disappointed that it was not on the agenda to fill the vacant seats on the current boards. She stated that it needs to be brought forward how many applications the Town has and how the available seats will be filled.

Tim Rider, 15-year citizen of the Town of Quartzsite and also an employee of the Quartzsite Police Department, stated that he attended the meeting on his own time as a concerned citizen. He is the liaison between the Quartzsite Police Department and the Quartzsite Substance Abuse Prevention Coalition, which helps prevent substance abuse in youth through education and leadership. He commented on the loss of Cenpatico grant funds for the Coalition and the needs of youth in our Town.

Chief Gilbert approached the podium to thank the community for the eight years that they have given to the agency and the support given to the Department. He said it had been a cherished eight years.

Tim Rider approached the podium to ask the Council, "When are you going to do what the people want?"

ADJOURNMENT: 11:14 PM

Vice Mayor Jewitt moved to adjourn the meeting and the Mayor stated it is therefore adjourned.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of October 22, 2013, of the Town Council of Quartzsite, Arizona, held on October 22, 2013.

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

DATED this 12th day of November 2013

Tina M. Abriani

Tina Abriani, Secretary

On behalf of the Common Council

Approved:

Ed Foster, Mayor