

MINUTES
TOWN OF QUARTZSITE
SPECIAL MEETING OF THE COMMON COUNCIL
TUESDAY, OCTOBER 28, 2013, 9:00 AM

CALL TO ORDER: 9:00 AM

INVOCATION:

Moment of silence.

PLEDGE OF ALLEGIANCE:

Led by the Mayor

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; Terry Frausto, Town Clerk; Tina Abriani, Secretary

APPROVAL/AMENDMENT OF AGENDA:

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

ADMINISTRATIVE ITEMS:

Mayor Foster called for the agenda items to be reversed.

Council Member Orgeron stated he believes the Council needs to go into Executive Session to receive legal advice prior to the item.

The Mayor called for a vote of all those in favor of discussing the Chief of Police item first. The vote decided the Executive Session was to be held first.

Council Member Orgeron moved to adjourn to Executive Session. Council Member Crooks seconded the motion. **Motion Passed.**

Meeting Adjourned to Executive Session at 9:03 AM.

1. **Executive Session** - An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position

and instruct the Town Attorney regarding the Town's position regarding the terms of a possible contract for an interim Chief of Police.

The Mayor called the Special Session back to order at 9:18 AM.

Roll Call.

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

2. Interim Chief of Police - Discussion and possible action regarding the possible appointment of an interim Chief of Police.

The Mayor called Sheriff Drum to the podium. He asked the Sheriff if the ongoing litigation between the Town, the Sheriff and the county would in any way affect his ability to act as an interim Chief of Police.

Sheriff Drum explained, regardless of what the governments do in the counties and towns, it would not affect the service they would provide as they have taken an oath to protect and serve.

Council Member Scott asked the Sheriff if they are properly staffed to have people down here to take care of Quartzsite. Sheriff Drum stated they have the manpower for that. They have a lieutenant or above to serve as an interim chief down here with over fifteen years of experience in law enforcement.

Council Member Scott asked if the person would be available for a period of time. Sheriff Drum replied that time would not be an issue at all. He said the person would be available upon the Council's request. Council Member Scott asked if the expenses would be in an IGA type of agreement. Sheriff Drum answered in the affirmative.

Council Member Orgeron stated in light of the lawsuit and the previous work environment between the administration of the Sheriff's Department and the Quartzsite Police Department, it would be inappropriate to enter into any form of IGA at this point. He would rather go with someone with no ties to this community or this county.

The Mayor made a motion that the Town enter into an agreement with the Sheriff's Department.

Council Member Crooks stated the Mayor may not make a motion.

Council Member Orgeron addressed Attorney Goodwin looking for guidance in the matter.

Town Manager Laura Bruno retrieved a copy of Ordinance 11-10 and Attorney Goodwin read aloud from it. She explained that there are two levels to the question. The first level is the ordinance, which provides in Section 4, Paragraph 1, the presiding officer, which would be the Mayor, shall not make or second motions.

The Mayor asked the date of the ordinance. The answer from the attorney was 2011.

The Mayor said there was a question of Voter Protection Act issues. Attorney Goodwin said she would be happy to give advice on the Voter Protection Act after the completion of the previous question regarding Ordinance 11-10.

Attorney Goodwin restated part of Section 4, Paragraph 1 of Ordinance 11-10.

Attorney Goodwin addressed the issue the Mayor asked about: whether or not this ordinance violates what is called the Voter Protection Act, which is in the Arizona Constitution. The attorney stated the issue would be whether Ordinance 11-10 amends Ordinance 95-01, which provided for direct election of the Mayor. She went on to say that the Mayor and she have conflicting legal opinions.

Attorney Goodwin stated the opinion of the Town's attorneys is that Ordinance 11-10 does not amend Ordinance 95-01, related to the direct election of the Mayor; therefore, Ordinance 11-10 would be a valid ordinance.

Council Member Timberlake moved that the Town enter into an agreement with the La Paz County's Sheriff's Office to allow it to go to vote, if there is a second.

Council Member Mary Scott seconded the motion.

The Mayor stated it had been moved and seconded to enter into an agreement with the La Paz County Sheriff to provide services of an interim Chief of Police and called for any further discussion.

Council Member Orgeron said he still thinks it would be a great mistake to do that.

Council Member Timberlake moved that the Council open it to public discussion and Council Member Scott seconded the motion.

The Mayor called for a **Roll Call Vote: MOTION PASSED**. (summary: Yes = 4, No = 3, Abstain = 0).

Yes: Mayor Foster, Council Member Kelley, Council Member Scott, Council Member Timberlake.

No: Vice Mayor Jewitt, Council Member Crooks, Council Member Orgeron.

Violet Kiss, resident of Quartzsite, asked if the interim position has been discussed and described; she asks because the people would like to know the next steps.

The Mayor stated the only agenda item is discussion of an interim position. The disposition of the QPD is for a later agenda.

Jennifer Jones, resident, spoke about two officers possibly becoming interim Chief.

Larry Irwin, Commander and second in charge of the La Paz County Sheriff's Department, spoke regarding the relationship between the Sheriff's Department and the Police Department.

The Mayor gave his opinion about using the La Paz County Sheriff's Department. He is in favor of using them.

Shanana Rain GoldenBear stated the important thing to her is that the Council made a decision last week and did not educate the public as to where they are going from there, leaving almost panicked feelings in the community.

The Mayor verbally recognized the community's concern.

Council Member Crooks asked the Council to consider the options. She also asked that the Town Manager get information together from the other outside agency and the Sheriff's Office before they make a decision. Council Member Crooks wants to clearly present the options to the public.

Town Manager Bruno reminded everyone there is a chain of command structure that is in place and there are mutual assistance agreements that are available should the Town have an extremely rare situation where it might warrant that.

Hal Davidson stated his opinion is that the Town should appoint the Sheriff or someone from his staff as the temporary Chief of Police – today. He said in a week or so from now, if the Council wanted to go another way, they could.

Sergeant Frausto of the Quartzsite Police Department related some comments regarding the Sheriff's Department. He stated the Sheriff's Department does not have enough staff to cover La Paz County and he suggests we get someone from the outside to take care of the P.D.

Town Manager Laura Bruno passed around a resume to the Council Members and explained that she had gotten this name during her search for help. She knows of recently retired chiefs that are interested in temporarily helping out on an interim basis. She explained that DPS recognizes that there are some litigation issues going on and therefore they have redirected her in this manner. The individual on the resume that was handed out is willing to come to the Town for about three weeks at no charge to the Town other than reimbursement of travel expenses.

Nella Shaw, a registered voter in Quartzsite for forty-five years, said the people in Quartzsite feel left out.

The Mayor spoke regarding Sheriff John Drum as being of known quality and that litigation would not be a factor in his service. The Mayor said he would like to see Sheriff Drum lead the department in the interim.

Council Member Orgeron stated an outside entity is willing to provide his services at no charge.

The Mayor said a complete background check needs to be done.

Council Member Kelley advised that the Council listen to the Town's Police Department and how they feel.

Joseph Bruno, property owner, stated using the Sheriff's Department as an interim Chief of Police is one nail closer to the Sheriff's Department taking over the Police Department, a reason not to have the Sheriff's Department step in.

Violet Kiss mentioned she would not like to see a conflict of interest. She suggested that the person who takes the position be evaluated first, as this is a very serious position.

Jennifer Jones stated no one who is currently the source of pending litigation should be in the interim position.

The Mayor closed the discussion and called for a roll call vote for the motion that the Council appoint the Sheriff's Department to provide the services of an interim Chief of Police to the Quartzsite Police Department.

Roll Call Vote: MOTION FAILED (summary: Yes = 2, No = 5, Abstain = 0).

Yes: Mayor Foster, Council Member Scott.

No: Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron, Council Member Timberlake.

Council Member Orgeron moved to enter into a contract with Mr. Hall and Council Member Crooks seconded the motion.

Vice Mayor Jewitt said he feels two or three more names are needed.

Council Member Crooks asked when the Council could speak with Mr. Hall.

Town Manager Bruno stated he would be available immediately but it would only be for about two or three weeks to do an assessment of the departmental needs and assist in filling the position.

The Mayor called for a roll call vote; the motion being to enter into an agreement with Mr. Hall.

Roll Call Vote: MOTION FAILED (summary: Yes = 2, No = 5, Abstain = 0).

Yes: Council Member Crooks, Council Member Orgeron.

No: Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Scott, Council Member Timberlake.

Council Member Timberlake asked for reiteration that the community is safe.

Sheriff John Drum said they are always here for the people. He said their oath of office is to protect the people, whether it is Quartzsite, Bouse, Salome or Quartzsite. He stated that his department does back up the Quartzsite Police Department, regardless of what has taken place.

ADJOURNMENT: 10:10 AM

Council Member Orgeron moved to adjourn and Vice Mayor Jewitt seconded the motion.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of October 28, 2013, of the Town Council of Quartzsite, Arizona, held on October 28, 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 Abriani, Secretary

On behalf of the Common Council

Approved:



Ed Foster, Mayor