

**MINUTES**  
**TOWN OF QUARTZSITE**  
**REGULAR MEETING OF THE COMMON COUNCIL**  
**TUESDAY, NOVEMBER 12, 2013, 9:00 AM**

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

**INVOCATION:** none

**PLEDGE OF ALLEGIANCE:**

Vice Mayor Jewitt led the pledge.

The Mayor called for a moment of silence for the Veterans and the hurricane victims in the Philippines.

**ROLL CALL:**

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

**ABSENT:** none

**STAFF PRESENT:**

Laura Bruno, Town Manager; Susan Goodwin, Town Attorney; Patricia Ronan, Town Attorney; Terry Frausto, Town Clerk; Tina Abriani, Secretary

**APPROVAL/AMENDMENT OF AGENDA:**

**Council Member Orgeron moved** to approve the agenda as presented and Council Member Crooks seconded. The vote was unanimous. **Motion Passed.**

**PRESENTATIONS; PROCLAMATIONS:**

**1. PRESENTATION ON THE QUAIL TRAIL WELL – Presentation on the status of the Town’s Quail Trail Well.**

The Town Engineer Kevin Murphy provided an update on the work that was performed over the weekend. Kevin Murphy introduced Chris Catalano, hydrologist of Southwest Ground Water. Mr. Catalano is assisting in determining what the best course is for the Quail Trail Well.

The next step, now that the engineer and the ground water hydrologist/geologist understand where they are going and the grant is in process, is to move forward with getting a bid out to replace the pump, replace the booster pumps at the station and rehabilitate the well.

Kevin Murphy said the bid will get out and once the funding is available through the grant, he will be back before the Council to make recommendations.

Town Manger Bruno recommended that a regular preventive maintenance program with the wells.

Town Engineer Murphy said he will work with Chris Catalano to come up with a recommended preventive maintenance schedule for the wells.

2. **CONSENT AGENDA:**

- A. **LEDGER OF ACCOUNTS PAID – Consider approval of check series 36340 – 36459, totaling \$234,664.20.**
- B. **MINUTES – Consider approval of the minutes of the Work Session of October 16, 2013, the Regular Meeting of October 22, 2013, the Special Meeting of October 24, 2013 and the Special Meeting of October 28, 2013.**
- C. **TRUSTEE APPOINTMENT – Appointment of a Trustee to the Quartzsite Retirement Program.**

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

Beverly Cunningham was appointed as trustee for the Quartzsite Retirement Program and the following people were removed: Dan Field, Kay Kreun, Hilary Turner and Terry Frausto.

**ADMINISTRATIVE ITEMS:**

The Mayor decided to go to Items #11 & 12 first.

11. **PERSONNEL BOARD – Discussion and possible action concerning Council Member Norma Crook’s appointment to the Town’s Personnel Board.**

Council Member Norma Crooks left the dais. The Mayor led a discussion regarding the fact that Council Member Crooks serves on the Personnel Board.

**Council Member Timberlake moved** to remove Norma Crooks from the Personnel Board due to the fact that she currently sits on the Council. Council Member Kelley seconded the motion. **Motion Passed.**

12. **TOWN MANAGER POSITION – Discussion and possible action concerning the Town Manager’s position.**

The Mayor asked for this to be open to public discussion.

The Mayor said the Town Manager has been interfering with the operations of Boards and Committees. Council Member Orgeron stated that the Town Manager took the Council's direction to recommend changes.

The Mayor stated the Boards, Committees and Commission work at the will of the Council as advisory bodies to the Council. They are populated by the appointment of the Council.

Council Member Scott said there is a big backlash from the community regarding the recommended changes to the Boards, Committees and Commissions.

The Town Manager stated the recommendations were for the Council's consideration.

Town Manager Bruno said the State Attorney General's Office stated it was the Town Clerk's responsibility to ensure the agendas comply with the open meeting law.

Skip Gallup, current Chair of the Vendor, Swap Meets and RV Parks Municipal Board, stated that he believes that a member of Town staff should not be making changes to his agenda items.

Jennifer Jones spoke regarding past open meeting law violations.

Sally Ford, former Chair of the Health & Development Board, discussed her experience with the Board and the reason she resigned.

Elmer Lunden, resident, stated that he recalls the biggest share of resignations from the boards came from the removal of the Chief of Police.

Beverly Cunningham, Finance Specialist for the Town of Quartzsite, property owner and RV Park manager, spoke regarding Laura Bruno's hard work and professionalism in correcting some of the Town's major issues.

Violet Kiss, resident and former Vice Chair for the Planning & Zoning Commission, spoke regarding the Town Manager receiving prospective Town Manager applications, the Planning & Zoning Commission, training sessions and open meeting law violations.

Jennifer Jones spoke regarding the Town Manager's past employment, the inspection of Jennifer Jones' travel trailer and Tony Ford's investigation of a former member of the Town Council.

Janet Collier, Town Resident and Town Hall employee, stated that Laura Bruno has accomplished a lot in the last year. Mrs. Collier asked that people put personal feelings aside and be professional in moving forward.

Shanana Rain GoldenBear spoke regarding vacancies on the boards, the Attorney General's complaint and a report in the Arizona Republic newspaper regarding the Town Manager.

Starr BearCat spoke regarding the Planning & Zoning Commission, the Town Manager and the Town's attorneys.

Council Member Kelley asked Starr BearCat for one example of the Town Manager's behavior in regard to Starr's comment about the Town Manager's behavior. Starr replied regarding an incident involving Steve Henrichs and Jenny Mills.

**Council Member Orgeron moved** to take no action on the Town Manager position as stated and Vice Mayor Jewitt seconded the motion.

Council Member Crooks spoke regarding her positive opinion of Laura Bruno.

Council Member Kelley asked Town Manager Bruno if she can come back and work with a go ahead attitude after what has been done and said. Town Manager Bruno replied that she considers herself a professional, has worked as a professional for thirty years and will always conduct herself in that way.

**Roll Call Vote: Motion Passed** (summary: Yes = 6, No = 1, Abstain = 0).

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

**No:** Mayor Foster.

### 3. EXECUTIVE SESSION

- 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 pending litigation in the matter of Desert Gardens Mobile Home and Classic Cars v. Town of Quartzsite; Town of Parker and Town of Quartzsite v. The Honorable DL Wilson, King Clapperton, And Holly Irwin, As Duly Elected Or Appointed Members Of The La Paz County Board Of Supervisors, In Their Official Capacity; La Paz County, Dan Field, County Administrator, In His Official Capacity; John Drum, County Sheriff, In His Official Capacity; Tony Rogers, County Attorney, In His Official Capacity et al.; Roth v. Quartzsite (3); Jones v. Quartzsite (3); Quartzsite v. Jones; Gilford v. Quartzsite.
- 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 its attorneys regarding the Town's position regarding the contract with Town Manager Laura Bruno.

ADJOURN TO EXECUTIVE SESSION: 10:51 AM - **Council Member Orgeron moved** to go into executive session and Council Member Crooks seconded the motion. **Motion Passed.**

RETURN TO OPEN SESSION: 12:09 PM Roll Call.

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

**4. ATTORNEY CLIENT PRIVILEGE – Discussion and direction to staff regarding (1) Waiver of the attorney-client privilege for one designated attorney-client privileged communication and (2) Response from the State Attorney General regarding a request for opinion on the Powers of the Mayor.**

**Council Member Crooks moved** to approve waiver of the attorney-client privilege for one communication from the Town Attorney's office concerning Powers of Mayor – Voter Protection Act – Supplemental Legal Opinion dated 10/29/13. Council Member Orgeron seconded the motion. The vote was unanimous. **Motion Passed.**

Attorney Goodwin related the response from the State Attorney General regarding some ordinances that were adopted and Powers of the Mayor. He declined to issue an opinion because it was outside of his jurisdiction.

Council Member Crooks asked if, at this point, there are any other options that can further an opinion that would satisfy the Mayor.

Town Attorney Goodwin stated the legal opinion of the Town's attorneys is that the code provision related to the Council appointing members of boards and commissions is the law of the Council and of the Town, until the Council changes it and the Mayor disagrees. The Council can seek a second opinion or the Council, if it believes that the Mayor is acting outside of his authority, can authorize the appropriate litigation.

**5. BOARDS, COMMISSIONS & COMMITTEES – Consider the appointment of two regular members to the Municipal Property Corporation with a term ending June 1, 2014.**

**Council Member Orgeron moved** to nominate Paul Carnevale and Council Member Kelley seconded the motion. The vote was unanimous. **Motion Passed.**

**Council Member Orgeron moved** to nominate Darrell Crooks and Council Member Scott seconded the motion. Council Member Crooks recused herself in the matter of Mr. Crook's nomination. **Motion Passed.**

**6. ECONOMIC/COMMUNITY DEVELOPMENT PROMOTION OF TOWN ACCOUNT – Discussion and possible action regarding a recommendation from the Health and Development Services Board to award grant funds to the Quartzsite Historical Society.**

**Council Member Crooks moved** to approve the memorandum of agreement for the Quartzsite Historical Society granting funding in the amount of \$4,000. Council Member Kelley seconded the motion. The vote was unanimous. **Motion Passed.**

**7. AFTER SCHOOL RECREATION PROGRAM – Discussion and possible consideration of funding alternatives for the Town’s after-school recreation program.**

Council Member Scott read Alternatives 1 and 2 aloud.

Yesenia Jackson of the Quartzsite Park and Recreation Department spoke about the hours of the Afterschool Recreation Program.

**Council Member Orgeron moved** to consider Alternative 2 for a part-time position for the afterschool recreation program. Council Member Crooks seconded the motion. The Mayor wanted to amend the motion to include seeking contributions from the community.

Shanana Rain GoldenBear stated it is very important to take care of our youth in the drug prevention focus. She thinks the Town should guarantee there is enough staff for the program.

The Mayor said if we proceed with \$6,000 of funding and if things don’t work out, it can be revisited later. The Mayor asked for a future report from the program as to how it is doing.

**Council Member Orgeron amended his motion** to be: motion to consider a combination of funding from the parents at \$1.25 per day who can afford it and for those who wish to donate in place of the parents who cannot afford it and to provide funding for the ten additional hours per week for a part-time position for the afterschool program. Council Member Crooks seconded the motion. The vote was unanimous. **Motion Passed.**

**8. TOWN MANAGER POSITION – Discussion and direction regarding the timeline for the review and interview process of applicants for the position of Town Manager.**

Council Member Scott said the Council needs copies of the applicants for the Town Manager position.

The Mayor directs staff to provide the available resumes to the Council.

Attorney Goodwin advised that any personally identifiable information, such as social security numbers, addresses, phone numbers should be redacted and then copies be given to the Council.

Attorney Goodwin said the Council can discuss the possible appointment, which includes review of the applications for Town Manager in executive session. The required 24 hour notice must be given to the applicant. An initial cut can occur in executive session.

Council Member Crooks directed staff to set up work sessions on November 20 & 21.

**Council Member Timberlake moved** to direct staff to turn over all redacted job applications by Friday of this week and schedule executive sessions for the 20th & 21st at 1:00 PM to review them as a Council. Council Member Crooks seconded the motion. The vote was unanimous. **Motion Passed.**

**9. PARK & CEMETERY RULES – Discussion and consideration of proposed rule changes for use of the Town of Quartzsite Park and Cemetery facilities.**

Director of the Park, Recreation and Cemetery Department, Dana Anderson, and employee Dinice Ross spoke regarding complaints about people parking in the park area for extended periods of time.

Director Anderson read the proposed rule changes aloud. He stated this rule change will give the Park Department the tools to enforce the rules.

**Council Member Crooks moved** to approve the proposed rule changes for the Town of Quartzsite Park and Cemetery facilities and direct staff to bring an amended ordinance back to Council for approval. Council Member Orgeron seconded the motion. The vote was unanimous. **Motion Passed.**

**10. CEMETERY FEES – Discussion and consideration of proposed rules and fees regarding the cemetery columbarium (cremation) wall.**

Dinice Ross, employee of the Park, Recreation and Cemetery Department, spoke regarding the proposed rules and fees regarding the cemetery cremation wall.

**Council Member Crooks moved** to approve the proposed rules and fees for the use of the Town's cemetery and cremation wall and direct staff to bring an ordinance back for Council approval. Vice Mayor Jewitt seconded the motion. The vote was unanimous. **Motion Passed.**

**COMMUNICATIONS:**

**13. Announcements and Reports from the MAYOR on current events.**

The Mayor reported that he has been talking to a number of vendors that have expressed serious concern regarding another federal government shutdown. He and Vice Mayor Jewitt plan to visit the BLM to ask for a pre-arranged agreement to keep the lands open if there is another government shutdown. The Mayor directed Ms. Bruno to set up an appointment for Monday or Tuesday of next week.

**14. Announcements and Reports from the COUNCIL on current events. - None**

**15. Reports from the TOWN MANAGER to the Council.**

Town Manager Bruno spoke regarding radios for the police department. She gave an update on the two vehicles that were out of service, stating they are now back in service and working properly.

**COMMUNICATIONS FROM CITIZENS**

Jennifer Jones asked Ms. Goodwin if she could tell everyone approximately how much her firm has billed the Town, to date. Ms. Goodwin stated she does not have that information before her, but she was sure that the Town Manager would be able to get that information for her.

**ADJOURNMENT:** 1:28 PM

**Vice Mayor Jewitt moved** to adjourn and Council Member Timberlake 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 November 12, 2013, of the Town Council of Quartzsite, Arizona, held on November 12, 2013.

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

DATED this 26<sup>th</sup> day of November 2013

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Tina M. Abriani, Secretary

On behalf of the Common Council

Approved:

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Ed Foster, Mayor