

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
MONDAY, DECEMBER 23, 2013, 9:00 AM

CALL TO ORDER: 9:00 AM

INVOCATION: None.

PLEDGE OF ALLEGIANCE: Led by Council Member Orgeron.

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; Kelly Schwab, Town Attorney and Tina Abriani, Town Clerk

APPROVAL/AMENDMENT OF AGENDA:

The Mayor asked that Item 1-c. be removed from the Consent Agenda.

Council Member Scott asked that checks 36619 and 36625 be removed from the Consent Agenda.

Vice Mayor Jewitt moved to approve the Consent Agenda or the complete agenda with amendments as presented and **Council Member Timberlake seconded** the motion. The vote was unanimous. **Motion Passed.**

CONSENT AGENDA:

- 1-a. **LEDGER OF ACCOUNTS PAID – Consider approval of check series 36592-36635, totaling \$29,214.66.**
- 1-b. **MINUTES – Consider approval of the minutes of the Regular Meeting of December 10, 2013 and the Special Meeting of December 17, 2013.**
- 1-c. **INTERGOVERNMENTAL AGREEMENT – Consider approval of an Intergovernmental Agreement (IGA) between La Paz County and the Town of Quartzsite for on-call building inspections and plan review services.**
- 1-d. **CONTRACT – Consider approval of a purchase contract under the Arizona State Contract No. ADPS013-036880 for 10 dash mounted 700 MHz dual-band police radios, including installation.**

Vice Mayor Jewitt moved to approve the Consent Agenda as presented with amendments and **Council Member Timberlake** seconded the motion. The vote was unanimous. **Motion Passed.**

Council Member Scott cited page 2, check 36619, Records Management System, \$10,000, and asked for what type of records management this was paid.

Town Manager Bruno stated it is for the Police Department for records and case management and that the attorneys have found it is indeed a legitimate expense out of the forfeiture funds.

Council Member Scott referenced check 36625 to the Quartzsite Historical Society and asked exactly what they were doing to promote the Town.

Town Manager Bruno explained this year one agency applied for funding and were found to be in compliance with the quarterly reporting requirements. The Council did approve this expenditure at a previous meeting.

The Mayor asked some questions about the Intergovernmental Agreement between La Paz County and the Town of Quartzsite.

Town Manager Bruno explained that the agreement is to enter into a cooperative working relationship with the County providing the Town with on-call assistance.

Council Member Orgeron moved to approve checks 36619 and 36625 and approve an Intergovernmental Agreement with La Paz County for building inspection and plan review services on an as-needed basis and authorize the Town Manager to execute that contract. **Council Member Kelley seconded.** The vote was unanimous. **Motion Passed.**

ADMINISTRATIVE ITEMS:

2. POLICE CHIEF RECRUITMENT – Discuss Police Chief recruitment process and consider approval of a proposed annual salary range for the position of Quartzsite Police Chief.

Town Manager Bruno gave an overview of the attachments, including the proposed annual salary range of \$60,000 - \$90,000.

Council Member Scott asked if the attorneys had reviewed the job description and if it was ADA compliant. The answer from Town Attorney Schwab was yes.

Vice Mayor Jewitt moved to approve the salary range, the job description and the advertising for a Police Chief for Quartzsite. Vice Mayor Jewitt withdrew his motion.

Vice Mayor Jewitt moved to approve the salary range and advertise for the position of Police Chief. **Council Member Kelley seconded** the motion.

Council Member Timberlake asked what changes were made to the job description.

Town Manager Bruno replied that it is a complete new job description. The original job description was for marshal police chief and was in the marshal's department. It was dated 2000. A canvas of job descriptions for several towns was done and a composite was used for this job description.

Council Member Scott directs staff to bring back the job description for the Police Chief.

The vote on the motion made by Vice Mayor Jewitt and seconded by Council Member Kelley was unanimous. **Motion Passed.**

3. WAIVER OF ATTORNEY-CLIENT PRIVILEGE – Discussion and consideration of waiver of the attorney-client privilege for two designated attorney-client privileged communications dated 11/19/13 and 12/2/13.

Town Attorney Schwab stated that only the Council can waive the attorney-client privilege.

Council Member Crooks moved to approve the client-attorney privilege of two communications from the Town Attorneys' office concerning: 1) Brannan, Johnson, Yackley v Quartzsite, memorandum dated, Yackley and Johnson v, Town of Quartzsite, and that would be her document request and does not include Mr. Foster's at this point, just those two documents. **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

4. REQUEST TO TOWN ATTORNEY – Discussion and possible action to comply with Mayor Foster's request made directly to the Town Attorney that the Town Attorney provide to him documents and communications with the Town Manager subsequent to the December 5, 2012 decision in the litigation entitled *Brannan, Johnson, Yackley v. Town of Quartzsite.*

Council Member Orgeron asked what would be the purpose of the request.

The Mayor asked how the review of the case was done. The Mayor stated he was looking for emails and letters, notes communications back and forth in the process.

Council Member Orgeron moved that they not release any documents and that if any documents would need to be viewed, it would be done so in executive session. **Council Member Crooks seconded** that motion.

Town Attorney Schwab stated there are a lot of public records on the matter and there are some attorney-client privileged documents. The confidential documents can be reviewed in executive session. The Council may also waive the privilege.

Council Member Orgeron moved that they not release any confidential documents to Mayor Foster at this time and if that if he requests to do so, that it be done in executive session. **Council Member Crooks seconded** the motion. The vote was six ayes and one nay. **Motion Passed.**

5. 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 risks of liability to the Town related to training and leadership in the QPD and regarding procedures to mitigate those risks.**

Council Member Orgeron moved to go into executive session. **Council Member Crooks seconded** the motion and the vote was unanimous. **Motion Passed.**

Meeting adjourned to executive session at 9:26 AM

RETURN TO OPEN SESSION: 9:45 AM

ROLL CALL:

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

COMMUNICATIONS:

6. Announcements and Reports from the MAYOR on current events.

Mayor Foster wished a Merry Christmas to one and all and said Happy Holidays.

7. Announcements and Reports from the COUNCIL on current events.

Merry Christmas and Happy New Year to everybody from the Quartzsite Town Council.

Council Member Kelley stated the Food Bank did what it could. They adopted out some families. She stated they had a lot of help and thanked the community.

Vice Mayor Jewitt stated that he received, that morning at Town Hall, a nice thick packet of documents. He said a lawsuit has been filed against himself and every member of the Council, with one exception, as well as Town Clerk Tina and Town Manager Laura. He stated they are being sued to stop the emergency provision of the USDA loan from going through and the plaintiff in the matter is Mr. Foster.

8. Reports from the TOWN MANAGER to the Council.

Town Manager Bruno called Janet Collier to the podium. Town Manager Bruno let the Council know that Quartzsite was presented with an award from WACOG's Transportation and Transit Program. The award was given for the most improved 5310 Transportation Program in the entire WACOG region. She read what the plaque said: "For your devotion and commitment to achieving a higher standard 2013. Most Improved Program." Town Manager Bruno stated that Janet Collier is the one who was instrumental in bringing it about. She and the Council thanked Janet Collier.

Janet Collier thanked the Council for their support.

Town Manager Bruno announced the work session on the sewer rates is set for January the 9th at the Community Center. The time is not yet set.

Town Manager Bruno read a communication that came to the Town from the Office of the Attorney General, addressed to the Town Manager. The subject was possible open meeting law violations. The Town Manager wrote a letter dated December 9, 2013 to the Office of the Attorney General advising that the Town of Quartzsite Municipal Property Corporation, MPC, may have violated the open meeting law when it held its November 26, 2013 meeting in the Town Manager's office. In the Town Manager's letter, the steps that the Municipal Property Corporation took to remedy any possible violations that may have occurred were outlined. These steps included scheduling another meeting where the items from the previous meeting were to be re-agendized.

The letter from the Office of the Attorney General expressed the Open Meeting Law Enforcement Team's appreciation to the Municipal Property Corporation for its proactive approach in addressing this matter. The letter stated that after review of all the information that was gathered in this matter, it appears that holding the MPC meeting in the Town Manager's office was not meant to circumvent the open meeting law. It also appears that the MPC has acted responsibly and appropriately in notifying their office and remedying the situation.

The Attorney General's Office is prepared to close the file upon confirmation that the steps outlined in the Town Manager's letter have actually occurred. They have asked that the Town forward both agendas and minutes for both of the meetings and with that they are prepared to close the file.

Town Manager Bruno welcomed and introduced Miss Amy Daniel, a new employee. She is filling in the position that Tina held. She will be working to provide assistance to the Planning & Zoning Department, the Permit Technician and to the Town Clerk.

COMMUNICATIONS FROM CITIZENS:

Jennifer Jones spoke regarding the Town Engineer; Title 9, Section 238, Duties of appointive officers; PBS & J's corporate headquarters; and the sewer system.

ADJOURNMENT: 9:54 AM

Vice Mayor Jewitt moved to adjourn the meeting and **Council Members Kelley and Orgeron 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 December 23, 2013, of the Town Council of Quartzsite, Arizona, held on December 23, 2013.

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

DATED this 14th day of January 2014

Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:

Ed Foster, Mayor