

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, APRIL 8, 2014, 9:00 AM

CALL TO ORDER: 9:00 a.m.

INVOCATION: Moment of silence observed.

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.

STAFF PRESENT: Laura Bruno, Town Manager; Patricia Ronan, Town Attorney; Tina Abriani, Town Clerk; Amy Daniel, Deputy Town Clerk

APPROVAL/AMENDMENT OF AGENDA: Vice Mayor Jewitt moved to approve the agenda as presented and Council Member Kelley seconded the motion.

Council Member Scott pulled check #37205. The Mayor called for a vote to approve the agenda as amended. The vote was unanimous. **Motion Passed.**

PRESENTATIONS; PROCLAMATIONS:

1. PROCLAMATION – National Arbor Day, April 25, 2014.

The Mayor read the National Arbor Day Proclamation aloud.

2. PRESENTATION – Special Off-Highway Vehicle Report regarding a new trail that will affect Off-Highway Vehicle (OHV) activity in Quartzsite and the surrounding area.

Skip Gallup spoke as a representative of the Peace Trail Committee. Using existing trails, no new trails will be established, all three western counties in Arizona are working together to support the Peace Trail. It will be in the form of a loop and will cover the western side of Arizona. Mr. Gallup stated that the Committee has gotten full support from Arizona State Parks, the Arizona Game & Fish, and BLM in the western side of the state. The name 'peace trail' came from La Paz, the Spanish word for peace. The trail will be open for use by all OHV vehicles that is ATV, UTV and jeep type vehicles. No pick-up trucks will be permitted on the trail. The committee is asking for a letter of support and money to file their non-profit status. There is a plan for maps. The trail will go around Quartzsite. There will be spurs into towns and cities. The trail gets almost all the way to I-8, leading to Yuma. This trail will have inlets into Quartzsite.

Staging areas are being discussed. The trail is just over 600 miles long. \$1,400 will just cover the expenses needed to file their non-profit status.

Council Member Scott stated this is something the Town should be supporting.

The Mayor directed staff to put it on the next agenda for possible action.

CONSENT AGENDA:

Vice Mayor Jewitt moved to approve the consent agenda with the exception of check #37205 and **Council Member Timberlake seconded** the motion.

The Mayor pulled Item 3-c. He stated he wanted it open for discussion.

Council Member Timberlake moved to amend the consent agenda and **Council Member Scott seconded** the motion. The vote was unanimous. **Motion Passed.**

The Mayor asked for a motion to approve the consent agenda as amended and **Council Member Scott so moved.** **Council Member Timberlake seconded** the motion. The vote was unanimous. **Motion Passed.**

3-a. LEDGER OF ACCOUNTS PAID – Consider approval of check series 37141 - 37207, totaling \$173,524.82.

3-b. MINUTES – Consider approval of the minutes of the Regular Meeting of March 25, 2014 and the Public Work Session of April 3, 2014.

Town Manager Bruno explained check #37205 as being payment to Transportation Concepts for contractor operations for the trolley program received in the months of December 2013, January 2014 and February 2014.

Council Member Scott moved to approve check #37205 and **Vice Mayor Jewitt seconded** the motion. The vote was unanimous. **Motion Passed.**

3-c. BUILDING DEFERRED MAINTENANCE – Consider approval of a proposal from D.B. Builders, Inc. to perform deferred maintenance service, including sealing and painting, of the Town Hall Building.

Town Manager Bruno spoke regarding the Council's prior approval, during the 2013-2014 budget development process. Proposals were solicited at the time of the budget adoption process, three proposals were received. She asked staff to reach out to other interested parties. D.B. Builders later submitted a bid for a significantly lower amount than the previous three. This is a budgeted item.

Council Member Crooks moved to approve D.B. Builders, Inc. to perform deferred maintenance service on the Town Hall building, as proposed; and authorize the Town Manager to execute the contract. **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

ADMINISTRATIVE ITEMS:

4. SEWER RATE DISCUSSIONS WITH CONSTITUENTS- Discussion of ongoing meetings with certain citizens, local businesses, residential property owners and RV Park owners concerning the sewer rates and requiring the attendance of Town staff, contractors and consultants.

Council Member Orgeron had this item put on the agenda. He outlined the current sewer rate's implementation, a six to one vote, by the Council. He stated these sewer rate meetings are costing the Town money, out of the water and sewer fund, which the Town cannot afford to lose. He stated he does not see a reason to continue.

Council Member Timberlake spoke regarding her reasons to sit down with the RV Park owners. She stated it is her job to listen to the public and bring information back to the Council.

Council Member Orgeron stated the meeting that Council Member Scott and Council Member Timberlake wanted was to be strictly with the RV Parks owners, not the business owners, and not the home owners.

Council Member Scott spoke regarding the portion of the Council's constituents that approached Council Members regarding their concerns.

Council Member Scott spoke regarding the portion of the Council's constituents that approached Council Members regarding their concerns. Council Member Scott wanted to meet with the RV Park owners to brainstorm with them regarding their concerns, to possibly help the related litigation end. Council Member Scott stated the Council represents every person in the Town. She is trying to work with them to make the lawsuit go away. Council Member Scott stated she met with a concerned group of the Council's constituents that asked for the matter to be reviewed.

Council Member Scott said the issue has to be looked at as a whole. Looking for answers to reduce costs for everyone. She said the Council needs to be open to all people, home owners, businesses, everyone. She stated the Council has to answer to the constituents. Council Member Scott said the Council needs to listen to the people.

Council Member Scott stated the last meeting brought up some ideas that may help to repay back some of the loan.

The Mayor stated he spoke with La Paz County regarding the Town's excess of drying beds in the summer months. The County wants to lease some of the drying beds, while they are doing maintenance. This would raise revenue for the Town.

Council Member Orgeron stated that Mr. Jacobson and Ms. Farish, of the RV Parks said "we will continue until we get a break" this is why he thinks the Town is being held hostage by a special interest group.

Council Member Scott said she disagrees that they are holding the Town hostage. Council Member Scott said it is not a special interest group; they are a part of the Town. She said the people have the right to ask questions and the Council has the responsibility to answer them.

The Mayor asked for a motion to open up the discussion to the public.

Council Member Crooks said the entire issue is regarding litigation regarding the veto power of the Mayor. She stated the Mayor does not have veto power when something is passed with an emergency resolution. She said this is regarding the health and safety of the community.

The Mayor wanted to explain the power of the veto. Town Attorney Ronan advised the topic of Mayoral Powers is not on the agenda.

Vice Mayor Jewitt stated the Council Members that have participated in discussions without the other Council Members present, should report back to the Council.

Council Member Scott said that if the meeting had gone the way she had planned for it to be set up, they would have reported what had happened to the Council.

Council Member Orgeron stated that by having that meeting, they are in essence telling her to spend the Town's money without approval from Council.

Council Member Orgeron stated that Council Member Scott and Council Member Timberlake asked Town Manager Bruno to set it up with Town Engineer Kevin Murphy, spending tax payer dollars. The Council did not vote to approve the expenditure.

Vice Mayor Jewitt reminded everyone that we represent the citizens of Quartzsite.

Council Member Timberlake moved to open the issue up for public discussion. **Council Member Scott seconded** the motion.

ROLL CALL VOTE:

Vote: Motion failed (summary: Yes = 3, No = 4, Abstain = 0).

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

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

Council Member Kelley suggested that the Council should continue to listen to the people and consider the list of things that may generate more revenue. She said the item should be put on the next agenda. Council Member Kelley believes the RV Park owners are looking to the future, not the present.

Council Member Crooks spoke regarding the grant money needed to save the wastewater treatment plant.

Council Member Kelley directed staff to bring the list of ideas with information regarding the feasibility of each to the next Council meeting.

Council Member Scott verified there is a meeting set for next Thursday.

5. MUNICIPAL PROPERTY CORPORATION – Consider the appointment of one director to the Municipal Property Corporation, MPC, to replace the vacancy created by Paul Carnevale’s resignation, with a term to expire June 1, 2015.

Mr. Thompson spoke regarding his resume and reviewed his local involvement. He and his wife are active members of the Q.I.A., active members of the Lutheran Church, active members of the Historical Society and strongly support the Isaiah 58 Project. They are members of the Senior Citizen Center and the Gem Club.

Vice Mayor Jewitt asked about his absence from Quartzsite for five months of the year.

Mr. Thompson stated one meeting is required per year in July. He suggests that if he is appointed, there be a meeting held within ten days. On the agenda, he would like there to be an election and a gathering with a Town Attorney, at which the Town Attorney would explain the responsibilities of directors of the Municipal Property Corporation. He also suggested two more meetings, one to be held in October 2014 and a final report meeting be held in December 2014.

Mr. Thompson advised the Council that he is a member of Municipal Utility Administrative Committee. He sees no conflict there. He noted he did investigate the open position on the Municipal Corporation Committee’s Board of Directors, before submitting his volunteer interest statement.

Vice Mayor Jewitt moved to appoint Mr. Richard L. Thompson as a director on the Municipal Property Corporation, to replace a vacancy created by the resignation of Mr. Paul Carnevale. **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

6. 2013-14 OPERATING BUDGET – Discuss and consider approval of amendments to the Town’s 2013-2014 Operating Budget

Town Manager Bruno gave a presentation regarding Budget Amendments taking a look at where the Town stands with its current operating budget. She gave out the Budget Amendments Report, which she displayed on screen, to the Council Members

Town Manager Bruno reviewed the different accounts. She summarized the various adjustments in each category.

Town Manager Bruno concluded with the updated budget for the current year. She asked the Council to approve the named budget adjustments. She stated the Town will then be moving on to preparing the budget for the new year.

Vice Mayor Jewitt asked about the water fund. He stated that Town Manager Bruno stated that the water fund is going to be in the hole, to put it bluntly, and that we will have to dig into HURF again. Vice Mayor Jewitt stated we cannot dig into HURF, it is not legal.

Town Manager Bruno explained that the same thing is happening with the water fund as has happened with the sewer funds; that is, going without revenue adjustments to the rates for many years.

The Town has had a preliminary water rate study done and whenever the Council is ready, it can be brought forward.

Vice Mayor Jewitt said we should list it on the next agenda and Council Member Kelley directed staff to bring the preliminary water study.

The Mayor stated it has come to his attention that the Town has been disposing of some assets. He is concerned about some equipment at the wastewater treatment plant. He asked who authorized that and why was it done.

Town Manager Bruno replied that she could not answer that question, but would look into the matter.

Council Member Kelley asked how Q Mountain factors in to the next year’s budget in terms of the water rates.

Town Manager Bruno stated Q-Mountain water rates will use the same rate structure as the rest of the Town. As far as bringing Q-Mountain's infrastructure up to par, it will require negotiation, as their system must be brought up to the required specifications for the Town of Quartzsite to take over maintenance.

Council Member Crooks moved to approve the amendments to the Town's 2013-2014 Operating Budget and **Vice Mayor Jewitt seconded** the motion. The vote was unanimous. **Motion Passed.**

ADJOURN TO EXECUTIVE SESSION 10:46 a.m.

Vice Mayor Jewitt moved to adjourn to executive session and **Council Member Crooks seconded** the motion. The vote was unanimous. **Motion Passed.**

7. EXECUTIVE SESSION

Executive session pursuant to A.R.S. Section 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider the Town's position and instruct its attorneys regarding the Town's position in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation for the matter Town of Parker and Town of Quartzsite v. D.L. Wilson, La Paz County, et al.

RETURN TO OPEN SESSION 11:01 a.m. Meeting Called 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.

8. SETTLEMENT OF TASK FORCE LITIGATION – Discussion and possible action to approve the settlement agreement in the action Town of Parker and Town of Quartzsite v. D.L. Wilson and La Paz County, et al.

Vice Mike Jewitt moved to accept the agreement as presented and **Council Member Kelley seconded** the motion.

Town Manager Bruno stated an authorization to execute the agreement was required.

Vice Mayor Jewitt stated: with an authorization to be executed.

Town Manager Bruno added, authorize the Mayor or the Town Manager.

Vice Mayor Jewitt moved to vote to accept the CADRE settlement agreement to be finalized by the Mayor or Town Manager.

Town Attorney Ronan stated she would recommend it be one or the other, the Mayor or the Town Manager.

Vice Mayor Jewitt stated he amends his motion to restate it with just 'Town Manager'. **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

COMMUNICATIONS:

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

The Mayor announced the next meeting of the Common Council will be at 7:00 p.m.

The Mayor announced that the Town of Quartzsite set a record with the human Q at the Grand Gathering. He thanked the QIA and Proud Neighbors, who did a lot of work to make it happen.

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

Council Member Kelley announced there was a surplus of produce at the Food Bank.

Council Member Scott spoke regarding questions and concerns regarding the expenses of travel and the separation of powers regarding the Magistrate Court.

Council Member Scott stated it was recommended to her by the Town Attorney, that the Council adopt a travel policy, as to who would provide 'prior approval' for the travel requests for the Magistrate, as currently required in the Town Code.

Council Member Scott said she is not against education, but does not see traveling extensively to fulfill the Magistrate Judge's required training, as necessary. She said the tax payers expect the Council to monitor expenditures line by line.

Council Member Timberlake spoke regarding her discussion with judicial trainers.

11. Reports from the TOWN MANAGER to the Council.

Town Manager Bruno suggested that the Town conduct a 'best practices' survey and develop a travel policy to bring back to Council. This would assure that the Town is not doing anything out of line with what other municipalities are doing.

The Arizona Supreme Court Education Services Division granted a scholarship to the Town's Magistrate Judge to go to the conference and seminar in Washington, D.C. The National Judicial College also contributed \$1,100 for the same training, as they feel it is valuable. The net cost to the Town will be \$500 for this training.

COMMUNICATIONS FROM CITIZENS

Mayor Foster left the dais and went to the public podium. He introduced himself as Ed Foster, citizen. He spoke regarding the power of the Mayor to veto. He referenced the part of the Arizona Revised Statute that covers initiative, referendum and recall. He stated citizen legislation was established by the Constitutional Convention. He said the law was written to give the citizens the power of the referendum. Ed Foster concluded by saying the Mayor does have the power of veto.

Skip Gallup, property owner, spoke regarding two matters. He does not know how someone who has litigation pending can stand up before the group and speak. Mr. Gallup stated he believes it is a violation. He stated it is his belief that, under Robert's Rules, a Council Member cannot resume his position, or speak, until after the Communications from Citizens, has ended. Mr. Gallup spoke regarding the Town's boards, active and inactive, as well as volunteerism. He asked the Council to use the boards that are in place.

David Skelton, resident of Quartzsite, taxpayer and land owner. He read aloud, a letter from Judge Amanda Lilly, regarding her views on her position and education.

Mary Skelton, the Judge's grandmother, spoke regarding Judge Amanda Lilly's credentials, education and training.

Jennifer Jones, resident, spoke regarding the loan and litigation. She stated she has all the paperwork on the USDA loan and on the WIFA loan. Jennifer Jones said she spoke with a representative of the USDA, who said there is no expiration of the loan.

Jennifer Jones stated a department head has never come before the Council to report the need for repairs to the treatment plant.

Holly Graham, has been here seasonally, stated she keeps coming back because it is exciting. She spoke regarding her family's perspective regarding coming together to better the Town. She is interested in starting a local farmer's market. She also spoke regarding mom and pop businesses and the ATV traffic.

Shanana Rain GoldenBear, with Proud Neighbors of Quartzsite, read aloud the email from Guinness confirming the world record for the world's largest human letter.

Official participants can now purchase official certificates of participation at the grandgathering.com website

Jeff Gilbert, citizen of Quartzsite, spoke regarding the water and sewer debate that took place during the Council Meeting. He was pleased to see a debate take place. He spoke about the public's inability to speak on the matter at the meeting.

ADJOURNMENT: 11: 37 a.m.

Vice Mayor Jewitt moved to adjourn 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 April 8, 2014, of the Town Council of Quartzsite, Arizona, held on April 8, 2014.

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

DATED this 22th day of April 2014

Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:

Ed Foster, Mayor