

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, NOVEMBER 25, 2014, 7:00 PM

CALL TO ORDER: 7:00 p.m.

INVOCATION: Pastor Mike Hobby of the Isaiah 58 Project gave the prayer.

PLEDGE OF ALLEGIANCE: Led by Mayor Foster.

ROLL CALL:

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

Absent: Council Member Crooks.

STAFF PRESENT: Skylor Miller, Town Manager; Susan Goodwin, Town Attorney; and Tina Abriani, Town Clerk

APPROVAL/AMENDMENT OF AGENDA:

Vice Mayor Jewitt moved to approve the agenda as presented with one exception, Item #9, to be open to public comment and **Council Member Orgeron seconded** the motion.

Mayor Foster pulled check #38214 from the Consent Agenda to discuss it.

The vote to **approve the agenda as modified** was unanimous. **Motion Passed.**

1. COUNCIL MEMBER APPRECIATION AWARDS

- **Vice Mayor Jewitt**
- **Council Member Crooks**
- **Council Member Scott**
- **Council Member Timberlake**

The Mayor announced there would be a ceremony to recognize the service to the community by those who are leaving the Council. A certificate of appreciation was presented to Vice Mayor Jewitt, Council Member Scott and Council Member Timberlake and each gave a brief speech of encouragement to the new Council.

Vice Mayor Jewitt thanked the community that elected him in the first place, two years ago. He thanked each and every Council Member for their attentiveness and comments. He then spoke to the new Council giving a few cautions. He advised that they remember they represent the entire community, not just one small group and

warned them against doing favors for friends which may affect the public perception of them as a Council Member. Vice Mayor Jewitt closed with a good luck wish to the new Council. The Mayor handed Vice Mayor Jewitt a certificate of appreciation.

Council Member Scott stated she was very grateful for the opportunity she has had to serve on the Town Council. She said it has been rewarding. She thanked those that voted to appoint her to the Council. She thanked the constituents that trusted her and went to her with their concerns. She said it had been an honor to serve the Town and expressed her love for Quartzsite and its people. She congratulated Council Member Kelley on her re-election and all the new Council Members on their election to office. She wished the new Council good luck in the future and advised that they are here to serve Quartzsite and should put personal matters aside and think of what is good for the Town. She asked that they make the constituents lives easier if they can. The Mayor handed Council Member Scott a certificate of appreciation.

Council Member Timberlake thanked the Council for appointing her to the position on the Council. She said she has enjoyed her service and put her heart into each decision. She thanked the community for coming together and expressed her love for the community. She encouraged the new Council to attend all the training they could.

2. OUT-GOING COUNCIL MEMBER COMMENTS

See Agenda Item #1

3. IN-COMING COUNCIL MEMBER COMMENTS

The Mayor advised that the new Council Members have all taken their oaths of office, but have requested to be reaffirmed in front of the people.

Robert 'Gunny' St. Germain, Norman Simpson, Loretta Warner, and Hal Davidson had their oaths of office reaffirmed by the Honorable Beth Williams.

ROLL CALL:

Present: Mayor Foster, Council Member Kelley, Council Member Orgeron, Council Member St. Germain, Council Member Simpson, Council Member Warner, Council Member Davidson.

Council Member Robert 'Gunny' St. Germain thanked everyone that voted for him. He stated that he is not a politician and will work as hard as possible for our community. He said he has an open door policy and noted his museum is open Tuesday through Saturday from 9:00 a.m. to 5:00 p.m. He invited everyone that wants talk to him to do so because he will listen. He advised he doesn't hide anything and is very transparent. He stated he is here for everyone and will work within the system. He said he loves Quartzsite and this community. He advised he can see it growing in the future, but noted it will not happen overnight.

Council Member Norman Simpson thanked the audience for their confidence and their votes. He stated he moved to Quartzsite five and one-half years ago and bought three businesses and during that time, he had witnessed civil disobedience, harassment and a little of everything one could imagine. He said he would like to see November 25, 2014 be the start of the new Quartzsite. With a new attitude of cooperation, he invited everyone to work together to get the problems fixed.

Council Member Hal Davidson thanked all the people that supported him in his campaign. He said he hopes, by his actions as an elected Council Member, to earn the trust and respect of those that did not vote for him. He stated that with the help of his fellow Council Members, the pride and respect that Quartzsite residents deserve will be brought back. He said Quartzsite is a wonderful Town and a good place to live. He advised that working with this fine group of elected officials, we should expect great things to be happening in Quartzsite.

Council Member Loretta Warner thanked everyone that voted, for her or not, because every vote counts. She advised that it is her intention to restore respect and a sense of community. She stated she will listen and research issues before she makes any kind of decision on the matter.

Council Member Carol Kelley thanked everyone that voted for her. She said she loves Quartzsite and will stay as long as she can. She said with everyone's help Quartzsite is coming back together.

The Mayor said he looks forward to working with each and every Council Member toward the future of Quartzsite.

CONSENT AGENDA:

Council Member Orgeron moved to approve the Consent Agenda with the exception of check 38214 and **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

4-a. LEDGER OF ACCOUNTS PAID – Consider approval of check series 38157 - 38220, totaling \$58,335.57.

The Mayor asked Town Manager Miller why there is another check to REDW in the amount \$7,552.50 for sales tax audits.

Town Manager Miller advised that the sales tax auditor is finishing up the audits he had already started.

The Mayor asked how many more \$7,000 checks are to come.

Town Manager Miller stated he will contact Ronal Coleman to find out his status on completing the already started audits.

Council Member Warner asked if the Town has ever received the detailed invoices that were requested.

Town Manager Miller replied that Ronal Coleman did provide more detailed invoices that were broken out by tax payer and the services performed. Town Manager Miller said he would give the Council Members that information.

Town Manager Miller said Ronal Coleman still has some audits to finish but is not initiating any new audits.

Council Member Orgeron moved to approve check 38214 and Council Member Simpson seconded the motion. The vote was unanimous. Motion Passed.

4-b. MINUTES – Consider approval of the minutes of the Special Meeting of November 10, 2014, the Regular Meeting of November 12, 2014 and the Special Meeting of November 17, 2014.

ADMINISTRATIVE ITEMS:

5. APPOINTMENT OF VICE MAYOR – Discussion and possible action regarding the filling of the Council's Vice Mayor vacancy.

Council Member Orgeron nominated Carol Kelley. Council Member Kelley seconded the motion.

Council Member Warner nominated Norm Simpson. Council Member Davidson seconded the motion.

The Mayor called for a vote for Council Member Kelley, nominated first, to be appointed as Vice Mayor. The Mayor announced the vote result was nay.

The Mayor called for a vote for Council Member Simpson to be appointed as Vice Mayor. The Mayor announced the vote result was aye.

The Mayor announced Council Member as the appointed Vice Mayor.

The Mayor advised the meeting will proceed to executive session next and asked for a motion.

Council Member Warner moved to move to executive session and Vice Mayor Simpson seconded the motion. The vote was unanimous. Motion Passed.

ADJOURN TO EXECUTIVE SESSION – 7:26 p.m.

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 amendments to a Power Purchase Agreement for Wastewater Project with SunEdison Origination1, LLC that are the subject of negotiations.
- An executive session pursuant to A.R.S. §§ 38-431.03(A)(3) and (A)(4) for discussion or consultation for legal advice with the Town Attorney regarding the police chief position and in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a contract for police chief services that is the subject of negotiations.

RETURN TO OPEN SESSION – 8:10 p.m.

The Mayor called the meeting back to order at 8:10 p.m.

ROLL CALL:

Present: Mayor Foster, Vice Mayor Simpson, Council Member Kelley, Council Member Orgeron, Council Member St. Germain, Council Member Warner, Council Member Davidson.

6. SALES TAX COLLECTIONS – Discussion regarding the collection process and past collections of Town of Quartzsite sales tax assessments by auditor Ronal Coleman of REDW.

Town Attorney Goodwin advised that at the last Council meeting, more information regarding sales tax collection was requested by the Council.

Town Attorney Goodwin stated auditors determine which tax payers should be audited based on various criteria. She explained the process in more detail as follows.

An audit must be completed within two years of the first contact with the tax payer. There is usually a meeting and a review of records. If it is determined that the tax payer has not paid all of the tax that is due, the auditor will send a forty-five day letter. The tax payer has the ability within the forty-five days to protest, pay, or do nothing. If nothing happens within the forty-five days, a ten day letter is mailed to the tax payer and the assessment becomes final.

After the assessment becomes final, the Town may file a lien on the property of the tax payer. If the deficiency is still not paid, the Town may proceed to litigation. The auditor does not do the litigation.

Town Attorney Goodwin explained she has been trying to determine, by review of the documentation forwarded to her by Town Manager Miller, where the auditor left off in the process of each audit.

Town Attorney Goodwin advised that under a new law that takes effect January 1, 2015, the Town may continue to audit businesses that only have businesses in Quartzsite. The Arizona Department of Revenue is going to be the assessor of the tax and the collector of the tax. As to those audits and assessments that were done prior to January 1, 2015, the Town may continue with its own collection procedures.

Town Attorney Goodwin stated she is proposing to finalize the collections that the auditor assessed.

Town Manager Miller stated he will be contacting Ronal Coleman regarding various items to finalize the audits.

The Mayor requested there be a special meeting held before the upcoming work session next week, to discuss and take action regarding the tax auditor issue.

Council Member Kelley and Council Member Orgeron requested the bottom line that comes from all the information.

Town Attorney Goodwin stated that in Arizona, by statute, tax payer and tax information is confidential.

The Mayor advised that he only wants the bottom line, no names or details. He noted there has been no answer forthcoming.

The Mayor directed staff to set a Special Meeting before the work session next week to take a hard look at the sales tax audits' status.

7. PLANNING AND ZONING COMMISSIONER – Consider the appointment of David Collier to the Planning and Zoning Commission with a term to expire March 1, 2015.

The Mayor called Mr. Collier forward to make a statement and possibly answer questions.

Dave Collier introduced himself and stated that he and his wife have been in Quartzsite for thirty years now. He advised that he served on the Planning and Zoning Commission and the Board of Adjustment when the Town was first incorporated.

Council Member Orgeron moved to appoint Mr. David Collier to the Planning and Zoning Commission and **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

8. **ANNUAL FEE FOR THE 1033 DEFENSE PROGRAM - Discussion and possible approval of check #38092 for \$250, payable to Town of Payson, for the Quartzsite Police Department's annual fee to participate in the U.S. Department of Defense 1033 Program.**

Town Manager Miller advised the check was pulled approximately one month ago. He explained the Defense Program is the program the Town pays into which has provided two Humvees on loan from the military.

Town Manager Miller stated the 1033 Program (formerly the 1208 Program) permits the Secretary of Defense to transfer, without charge, excess U.S. Department of Defense (DoD) personal property (supplies and equipment to state and local law enforcement agencies. The 1033 Program has allowed law enforcement agencies to acquire vehicles, weapons, computer equipment, fingerprint equipment, night vision equipment, radios and televisions, first aid equipment, tents and sleeping bags, photographic equipment and more.

Town Manager Miller advised that some activities of the Town, require off road vehicles, such as in the BLM area.

The Mayor asked why \$250 is being paid to the Town of Payson.

Town Manager Miller explained it is similar to a subscription or membership fee.

Council Member Orgeron moved to approve check 38092, payable to the Town of Payson for the 1033 Program, and **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

9. **INVITATION TO LA PAZ COUNTY SHERIFF TO HOLD A MEETING ON TOWN PROPERTY - Discussion and possible action to invite the La Paz County Sheriff to schedule a meeting and direct the Town Manager to make any necessary arrangements for facilities.**

The Mayor announced by vote of the Council, the item is open to public discussion.

The Mayor stated that everyone knows he has been in favor of bringing the La Paz County Sheriff into Quartzsite. He advised that in order to do that the Council could just take action. He stated he believes the Town needs to be informed first.

The Mayor said the Sheriff needs to come to Quartzsite and make his presentation and answer questions regarding Metro Policing. He advised this would be the Sheriff's Department organizing a Quartzsite police department or law enforcement department.

The Mayor said this presentation and questions from the audience will let the Council know how to move forward. Some questions may be: how many officers will be contracted for; what kind of cars; and what kind of uniforms.

Council Member Orgeron asked if the Sheriff will have a monetary figure.

The Mayor said the figures would arise from a negotiating session and would depend upon the answers to the questions posed by the community.

Council Member Orgeron is interested to know where the savings are and how much the savings would be.

Town Attorney Goodwin advised that the agenda item is whether or not to invite the La Paz County Sheriff, not the actual negotiation of the contract.

The Mayor stated Sheriff Drum has prepared, for the people, a PowerPoint presentation as to how the program works and will include endorsements.

The Town Manager advised the agenda calls for direction from Council whether or not to formally invite the Sheriff to come to Quartzsite to hold his own meeting on Town property, with his agenda or allow him to do it of his own volition.

Council Member Davidson moved to invite the La Paz County Sheriff to schedule a meeting and direct the Town Manager to make any necessary arrangements for facilities.

The Mayor asked the audience if it had any direct questions.

Mike Jewitt, resident of Quartzsite and former Council Member, asked who will set the agenda for the meeting with the Sheriff.

The Mayor advised the Sheriff will set the agenda and that in his discussions with the Sheriff, he knows the Sheriff is not there to pull any back room deals.

The Mayor wants plenty of input from the community before the Council makes any decisions.

Terry Frausto stated she personally knows the Sheriff and he personally told her that he does not even want to be involved with Quartzsite politics. She asked why he is being invited.

Jennifer Jones, resident, stated that as far as what the Sheriff does or doesn't want, she would be interested in having an open mind to hear what he has to say.

Monica Timberlake, community member, has heard that Sheriff Drum is not interested in working with Quartzsite. She advised she has heard this from Commander Irwin.

Jeff Gilbert, former Chief of Police, having served eight years in the community, challenged each Council Member to answer various questions regarding the Quartzsite Police Department. He asked what the QPD has done for the community, how it has served the community and how many calls the QPD receives. He stated the people expect much more than what the Sheriff has to offer.

Council Member Davidson asked why Mr. Gilbert is afraid to listen to what the Sheriff has to say.

Jeff Gilbert stated he is not afraid and that he knows what the QPD does and has done. He stated his concern for the community and the service they will get from the Sheriff's Department that has its own issues and an entire county to serve.

Council Member Davidson advised that more deputy sheriffs live in Quartzsite than there are police officers.

Vice Mayor Simpson advised the Town will not know until it hears a presentation and then runs the numbers.

The Mayor stated he is inviting the Sheriff to come and talk to the people. The Mayor advised this is on the agenda because he wanted to hear it voiced by the Council.

Dave Jurdall, resident, advised that after the discussion is done, the people should vote on the matter.

Sergeant Frausto, Quartzsite Police Department, stated his concern that the Quartzsite Police Department has been trying to get funds to get new vehicles and more manpower for the last three years from the Council. He went on to say that now the Council wants to try to give those funds to the Sheriff's Department.

Council Member Davidson previously made the motion and Vice Mayor Simpson seconded the motion. The Mayor asked for a roll call vote to approve the motion to instruct staff to schedule a meeting with the Sheriff's Department to make a presentation.

Roll Call Vote: Motion carried by roll call vote (**summary:** Yes = 6, No = 1).

Yes: Mayor Foster, Vice Mayor Simpson, Council Member Kelley, Council Member St. Germain, Council Member Warner, Council Member Davidson. **Nay:** Council Member Orgeron

The Mayor instructed the Town Manager to arrange the meeting and send out appropriate notices.

10. SCHEDULED WORK SESSION – Town Council Work Session scheduled for December 3, 2014 at 1:00 p.m. to discuss and give direction to staff regarding the Town Council's priorities.

The Mayor spoke about the work session's discussion topics.

Town Manager Miller requested priorities of the new Council, any administrative items that may need to be addressed in an open meeting so that he and the rest of staff can get a true consensus of Council. He stated he would like to take the opportunity of the work session to get everyone on the same page with a good working relationship. Town Manager Miller asked that he receive feedback from the Council, regarding priorities, prior to the work session.

The Mayor explained no action is taken at a work session.

Vice Mayor Simpson moved to schedule a work session for December 3, 2014 at 1:00 p.m. to discuss and give direction to staff regarding the Town Council's priorities. **Council Member Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

(The executive session was held immediately after agenda item #5 per motion.)

11. 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 amendments to a Power Purchase Agreement for Wastewater Project with SunEdison Origination1, LLC that are the subject of negotiations.**

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COMMUNICATIONS:

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

The Mayor announced he will go into an out of town hospital tomorrow for cortisone injections into his spine and will be gone for a couple of days.

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

Council Member Kelley announced that on Saturday, December 6, 2014, before the parade, there will be a Soup and Chowder Dinner event at the Q.I.A. to benefit the Food Bank. She advised that anyone interested should contact Pam Kasky. Council Member Kelley stated the Food Bank needs help and asked people participate.

Vice Mayor Simpson advised that there was a lunch meeting at the Q.I.A. He said it was an excellent meeting that included the following attendees: the chamber from Parker, county employees, and all kinds of people from outside of Quartzsite. He said they were working together making arrangements for a community calendar, the same calendar that Parker, Bouse and Brenda are using. Vice Mayor Simpson said they were working together with a spirit of cooperation that he had not seen in a long time.

14. Reports from the TOWN MANAGER to the Council.

Town Manager Miller welcomed all the new Council Members and stated he looks forward to building a new working relationship and that he hopes they can all continue to move up and forward.

COMMUNICATIONS FROM CITIZENS

Karla Price, from the Quartzsite Assembly of God Church, said they are holding a Community Christmas Party, for all the children in Quartzsite. It will be held on Friday, December 19, 2014, from 3:00 p.m. – 6:00 p.m., at the Community Center. She said they need donations to buy each child a gift; five dollar gifts or money donations would be appreciated. She said they can use all the help anyone can give. There will be party games and gifts for all the children.

Elmer London spoke to the volunteers of the Town and advised there has been such a spectacular show of help that there should be public recognition because they ask for so little in return.

Pamela Kasky, resident of Quartzsite, encouraged anyone that wants to make a soup or chowder, for the Soup and Chowder Festival, to please do so and to contact her to let her know that you will be doing it. She advised the food cannot be cooked at home; it can be done in a certified kitchen such as the Q.I.A. She said if the Sheriff is going to come in and give a presentation, then the Quartzsite Police Department should be permitted to have a dream list of what they need if the Quartzsite Police Department is kept in place.

Cindy Baldwin, a community member of Quartzsite for about twelve years, advised that she has been involved with a lot of things for children such as preschools. She stated there is a new program for Healthy Families Arizona, out of the Interagency Council from Lake Havasu City. It is a home visitation program for young parents and pregnant moms. They have reached out to students. They bring education, information, training and empowerment as to how to teach children. She is a home visitor in the Quartzsite area.

Jennifer Jones, resident of the community, welcomed the new Council Members and the returning Council Member. She stated the people have spoken, she hopes it will be a new era of acting like grown-ups. She said she is excited the Town may be getting a much needed dog park. She advised she would like to point out that the Town needs an animal shelter much worse than a dog park. She is not willing to run the shelter; but, she would be willing to assist. She spoke about WIFA loans and having an accountant on board. She wished the new Council good luck.

Shanana Rain GoldenBear congratulated the Council and spoke about the Q.I.A. luncheon, the Chili Feed for the Food Bank and thanked all the volunteers. She stated folks in our very diverse community are coming together. She asked that everyone remember our volunteers are awesome. She encouraged the Council to refrain from bursting out in response to those of the public that speak at the podium.

Council Member Orgeron moved to adjourn and Council Member St. Germain seconded the motion. The vote was unanimously in favor of adjourning. Motion Passed.

ADJOURNMENT: 9:07 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of November 25, 2014, of the Town Council of Quartzsite, Arizona, held on November 25, 2014.

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

DATED this 9th day of December 2014

Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:

Ed Foster, Mayor

DRAFT