

MINUTES
TOWN OF QUARTZSITE
WORK SESSION OF THE COMMON COUNCIL
WEDNESDAY, DECEMBER 3, 2014, 1:30 PM

CALL TO ORDER: 1:30 p.m.

INVOCATION: None.

PLEDGE OF ALLEGIANCE: Led by Council Member Kelley

ROLL CALL:

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

Absent: Council Member Orgeron.

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

APPROVAL/AMENDMENT OF AGENDA: Vice Mayor Simpson moved to approve the agenda as presented and **Council Member Warner** seconded the motion. The vote was unanimous. **Motion Passed.**

WORK SESSION:

1. **PRIORITIES - Review and discuss and give direction to staff regarding the Town Council's priorities, as set forth on the attached list.**
2. **ADMINISTRATIVE ITEMS - Review and discuss and give direction to staff regarding the Town administrative activity: Use of Town owned vehicles, personnel policies.**

Agenda Items 1 and 2 were discussed together.

Town Manager Miller stated this is a list of priorities submitted by the Council; it is a preliminary point from which to build consensus.

The Mayor suggested a very detailed examination of the budgets for the Water and Sewer Department.

Town Manager Miller suggested that an independent audit be performed, the results be reviewed and thereby establish best management practices.

Vice Mayor Simpson advised there have already been numerous costly rate studies and asked at what cost Town Manager Miller is proposing another.

Town Manager Miller advised that he could reach out to other organizations, not consultants, but those that have similar services, to get some feedback in these areas.

Council Member St. Germain commented on his interview with a wastewater treatment plant operator and his observations regarding the Town's wastewater treatment plant operations. Council Member St. Germain stated he would like to have the wastewater treatment plant manager attend a Council meeting and he would like to review the wastewater operations and budget.

The Mayor advised that the budget must be reviewed in detail, with staff participation, and then examine the rates. He thinks the Council has the necessary experience to review the matter and then get experts in certain areas if necessary.

Town Manager Miller explained he is looking for an unbiased independent resource to review the operations.

Town Manager Miller noted that Council approves every expenditure that comes out of each department.

The Mayor advised that he wants to review the real numbers involved with operations in order to possibly reduce expenditures.

The Mayor asked that Town Manager Miller put together a report listing income, expenses and production.

Town Manager Miller responded that would not be impossible. He said it would be time consuming and if Council considers it a priority, time would be allocated.

Vice Mayor Simpson asked about the cost to process a gallon of waste.

Town Manager Miller stated he doesn't think it is about the cost per gallon processed because volume changes on a daily basis.

Council Member Warner noted the need to examine efficiency and to possibly reach out to others to help with our efficiency.

Vice Mayor Simpson asked if the Town's Utilities Committee has provided any information.

Town Manager Miller advised that the Municipal Utilities Administrative Committee has been underutilized. He said he will be working with the Committee to get them out ahead of projects to be able to provide input to Council.

The Mayor said, as a starting point, Council Member St. Germain could arrange a meeting with the former wastewater treatment plant operator and the Council could direct staff to gather data and budget information for review. More specifically, staff is to prepare production numbers and costs for wastewater treatment plant and the water utility system.

Town Manager Miller next reviewed staffing issues with the Police Department. There was discussion regarding the fact that there are only four officers currently employed by the Town. Town Manager Miller has been speaking with a gentleman interested in serving as an interim chief. The candidate is AZ Post Certified and if found to be satisfactory, will be recommended to Council by the Town Manager for their review.

Town Manager Miller advised that three candidates for officer are being vetted right now.

The Mayor asked if the Town Manager has had any success in a mutual aid agreement with the Sheriff's Department.

Town Manager Miller advised that the Sheriff's Department did say they would, free of charge, possibly provide a recruitment process, where they would do background checks and vet. Town Manager Miller stated he has not pursued that yet.

The Mayor asked Town Attorney Goodwin if a written agreement is required for mutual aid.

Town Attorney Goodwin recommended that a contract, such as an Intergovernmental Agreement be used. Town Attorney Goodwin stated she will draft the appropriate document

The Mayor asked the Council what should be done about the need for more police as the busy season is upon us. Council Member St. Germain listed there are three being vetted, plus the current four and Town Manager Miller added the interim chief.

There was discussion regarding the Town Code. The Mayor advised that the restoration of the Town Code is a priority.

Town Attorney Goodwin said she could model a town code after another Town's code. She advised she will provide examples of structure for review.

Town Attorney Goodwin agreed with the Mayor that the policies and procedures manual and the Town Code should be constructed together.

Vice Mayor Simpson said he would like to have line item evaluations. He would like to have an accounting of the departments, their staffing requirements and the general budget.

The Mayor stated the new budget will be due in June. He stated now the focus should be on the Utilities Budget and the rates.

The Town Manager will provide Council with documentation of where each budget stands.

Vice Mayor Simpson's list of priorities (see attached) was reviewed and discussed.

Town Manager Miller uses a Town owned vehicle and lives in Town. Staff that live in Town and work for the Utility Department and Public Works may use work trucks if they are on call. No employees go home in Town vehicles if they do not live in Quartzsite.

The Mayor asked that an executive session be held to review the status of pending litigation matters.

Council Member Kelley would like to see periodically where the Town is with the WIFA Loan.

The Mayor advised he would like to see, in the financial reporting of the Council packets for each meeting, the separate accounts listed separately. He named the accounts for the HURF fund, the general fund and the enterprise fund.

All inter-fund transfers require Council approval, said the Mayor.

The Mayor said he is concerned the WIFA money has not been used and is just sitting there and the USDA loan has not been touched yet.

The Mayor asked if the Town will be in trouble with the funds and the expansion.

The Town Manager explained costs have gone up and WIFA money has been used for infrastructure improvements within the system. The improvements were part of the overall expansion.

The Mayor asked Town Attorney Goodwin if it would be legal, at some point, for him to remove the veto to the resolution authorizing the WIFA loan. Town Attorney Goodwin said yes.

The Mayor asked if the Town gets the rates to where they are sustainable, could he remove the lawsuit and have the expansion proceed.

Town Attorney Goodwin advised that if he removes the veto, it will be fine.

The Mayor advised his intent with the lawsuit was to delay the loan to get the rates down.

The Mayor advised the Town is dealing with time constraints, but the rates need to be fixed and then get the loan.

Town Manager Miller advised that in order to meet the WIFA timeline, the Town must break ground in the spring.

The Mayor advised that within the next two months there will be a review of the budget and reconsideration of the rates and possible changes.

Council Member Kelley stated the Town was shown that Utilities was operating in the red with the old rates.

The Mayor didn't agree with the numbers that were provided. The budget fixed the rates, now the Town must rework the budget and rework the rates.

Town Attorney Goodwin stated it could take ninety days to change the rates because of the requirements involved.

Council Member Davidson asked the Mayor if he is correct that right now the Town Manager Miller's contract is no longer in effect.

Town Attorney Goodwin advised that the Council has the power to terminate the contract, but it is currently still valid and active.

The Mayor stated that Town Manager Miller is overpaid but he is a professional and is doing a good job, a job that needs to be done. The Mayor said his job performance is of more concern than his pay right now.

Council Member Kelley advised that Town Manager Miller came to the Town with a Master's Degree and has done a lot for the community, including getting involved.

Council Member Warner advised that Town Manager Miller is currently acting as the Community Development Director without any extra compensation.

The Mayor asked that Mr. Miller be given a chance to produce some results.

Vice Mayor Simpson stated the Council should be evaluating all personnel along with the budget process in a timely manner.

Council Member Davidson commented regarding paying a Town Attorney to travel from Phoenix.

Town Manager Miller stated the Town Attorneys do not charge for travel.

Council Member Davidson suggested in the future possibly hiring a local attorney to save money.

The Mayor asked that at the next scheduled meeting, litigation matters and contract negotiations be discussed in an executive session.

Council Member Kelley advised Council Member Davidson that we have some of the top attorneys in the state. They have helped to keep the Town out of unnecessary litigation.

Town Manager Miller told Council that Town Attorney Goodwin has the institutional knowledge that is needed by the Town, especially with the sweeping changes that Council is proposing.

Council Member Davidson asked if there is or if there isn't a hiring freeze in effect.

Town Manager Miller noted there is no record of a hiring freeze.

Council Member Davidson said he would like to see, on the next agenda, the restoration of the Mayor's powers that were removed by the previous Council.

The Mayor asked if a resolution can be passed to restore the Mayor's powers to a certain point in time.

Susan Goodwin explained that an ordinance can be used to amend the Town Code.

Council Member Davidson advised that the Mayor needs an office. He also stated the rest of the Council needs an office which they can share.

Town Manager Miller said if it is the consensus of Council it can be done. He will investigate options and get back to the Council.

There was a discussion of possible changes to the Town's franchise agreement regarding the percentage of the taxes that go to the Town of Quartzsite.

Council Member Kelley stated her concern that people may overhear sensitive information or view sensitive materials.

The Mayor and Town Manager Miller gave reasons why this should not be a great concern.

There was a discussion regarding contracted employees and severance pay.

The Mayor wants to codify such things.

Town Attorney Goodwin advised that could be done.

Council Member Davidson suggested giving the Mayor and the Council Members codes to open the doors.

Town Manager Miller said he is not opposed to that but he has to answer to seven Council Members. He must act in good faith to the whole of the Council, he will follow the direction of the Council.

The next meeting will have Town Hall access codes on the agenda.

Council Member Davidson asked Town Attorney Goodwin if the Council can legally require all new hires to live within the Town. Town Attorney Goodwin explained her answer which was no.

Council Member Davidson asked if new hires receive a lie detector test and if it could be required for all new hires.

Town Manager Miller said new hires are not given a lie detector test.

Town Attorney Goodwin will investigate whether or not new hires can be required to take a lie detector test.

The Mayor asked the Council if it wanted to open to the discussion to the public. The vote was all in favor.

Jennifer Jones, resident, spoke regarding the Town possibly having a forensic audit performed, free of charge; the cost of water and sewer, specifically a by-the-gallon rate; WIFA and expansion of the line; manhole covers; alternatives to chlorine; listing of payroll checks in the consent agenda in the effort to increase transparency; an RFQ for a different Town Prosecutor; an animal shelter, the policy for the signers of bank accounts; signing checks before approval; and physically separate accounts for HURF and WIFA.

Starr BearCat spoke regarding the Town Council's lists. She stated she noted promotion of the Town and marketing were not at the top of any of the lists; the Town Manager answering to the Council and the Council answering to the citizens.

Vice Mayor Simpson advised the promotion of the Town is a major concern and priority of his.

Jeff Gilbert, former Chief of Police, resident, spoke regarding this year's budget, HURF funds and asked the Council where the Town stands on the use of the HURF funds.

The Mayor advised that he did ask for specifics regarding these funds in order to keep track.

Jeff Gilbert spoke of the appearance of HURF fund usage.

The Mayor stated that directions was given that any inter-fund transfer must be brought before the Council before they happen.

Jeff Gilbert commented as a former chief of police, about the Town and its departments' MOUs and IGAs with regional organizations and the County. He stated that the Mayor, with regard to the WIFA loan, is still holding the Town hostage on his lawsuit against the Town.

The Mayor explained that he is talking about sustainable rates. He stated the rates would have been fixed by the loan agreement if he signed the loan for the next twenty years. He said those rates are unsustainable.

Jeff Gilbert also spoke regarding how appalling it is to hear a suggestion to advertise for a new town manager or renegotiate his contract. He suggested discussion about employee matters and the changes to the Town Code occur before digging into personnel matters and polygraphs.

Dean Taylor commended the newly seated Council Members. He thanked them for taking time to serve the community; he stated the Town needs to put a clamp on the budget.

Elmer London spoke regarding the time it would take to cover what is on the list of priorities.

Monica Timberlake, community member, spoke regarding an analysis of the sewer plant; staff time to list out the costs; the condition of the wastewater treatment plant; the Town having a Council Manager form of government; access codes; the cost of lie detector test; the Mayor's lawsuit against the Town

The Mayor stated the law suit was not over the veto. It was over the rates that would be fixed for a great deal of time.

Shanana Rain GoldenBear spoke regarding constituents; what is being said in the community; bragging up the community; the council needing to quit infighting; thanking the visitors, appreciating the vendors; and the Town's image.

Rain suggested that the Council promote the Town by getting on Facebook and allowing the Town Manager to do his job and let him take care of the employees.

Town Manager Miller spoke regarding social media. He said he would like to take on Facebook and Twitter to get good information out to the public.

The Mayor asked Town Attorney Goodwin to examine the policy for social media. Town Attorney Goodwin said she would send some information.

ADJOURNMENT: 3:28 p.m.

Vice Mayor Simpson moved to adjourn and Council Member Kelley seconded the motion. The vote was unanimous. Motion Passed.

Attachment:

Vice Mayor Simpson

- **Budget review by line item**
- **Water and sewer rates**
- **Police Department staffing**
- **Use of Town owned vehicles**
- **Contracting of services instead of employees**
- **Utility Billing – outsourcing**
- **Corrections to the Town Code**
- **Review of the Indemnification Cause**
- **Committee vacancies**
- **Review pending litigation with legal staff**
- **Local attorney for regular meetings – save travel expense with current attorneys**
- **Status of WIFA loan**
- **Water and Wastewater Budget**
- **Animal Shelter – history, possible establishment of one and kennel availability**
- **Business License Fee – possible increase**

Council Member Kelley

- **Police Chief and officers – staffing**
- **Investigate becoming a city**
- **Collecting money owed to the Town**

Council Member Warner

- **Budget**
- **Water and Sewer rate structure**
- **Police Department staff for the season**
- **Loan for sewer improvement**

Council Member Orgeron

- **Water and Sewer plant**
- **Police Department**
- **Cost of business licenses and vendor permits – possibly charging a fee and a high deposit with refund after proof of sales tax payment**
- **Economic development – establish what the Town has to offer and approach desirable companies with possible selling points to bring them to Quartzsite**

Council Member Davidson

- **Advertise for a new town manager or renegotiate his contract.**
- **Advertise for a new town attorney.**
- **Enter into negotiation with Sheriff Drum to take charge of the Quartzsite P.D.**
- **Enforce the hiring freeze. No new hires unless approved by the Town Council.**
- **Return all power to the Mayor that was taken away by the last council.**
- **Provide the Mayor with an office.**
- **Provide the Council Members with an office that they can share.**
- **Make the Town Manager answerable to the Mayor.**
- **No contracts/golden parachutes for anyone.**
- **Give the Mayor and all Council Members the code to open the doors to the Town Hall.**
- **All new hires must live in Quartzsite.**
- **No Town vehicles to be driven home by employees.**
- **Lie detector test to be given to all new employees and all old ones if legal.**

Council Member St. Germain

- **Sewer plant – WWTP budget and operating procedures. Expansion of the facility to a larger operating capacity. Bring in a Sewer Plant expert to see**

where we can cut operating costs. Have all sewer funds to go to the sewer operation and expansion.

- **Water Department – Budget and operating procedures. Daily operating costs. Water funds should go to the water department use only.**
- **Pending lawsuits against the Town of Quartzsite.**
- **Promote the Town of Quartzsite.**
- **Quartzsite Police Department. Position of Police Chief, Staffing, Operating Costs, Patrolling BLM Land.**

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of December 3, 2014, of the Town Council of Quartzsite, Arizona, held on December 3, 2014.

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

DATED this 23rd day of December 2014

Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:

Ed Foster, Mayor