

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, APRIL 14, 2015, 7:00 PM

CALL TO ORDER: 7:00 p.m.

INVOCATION: None.

PLEDGE OF ALLEGIANCE: Led by Council Member Warner.

ROLL CALL:

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

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

CALL TO THE PUBLIC AND COMMUNICATIONS FROM CITIZENS:

Mr. Roth spoke regarding aquaponics and another class scheduled for Saturday, April 25, 2015 from 9:00 a.m. to 2:00 p.m. He asked that interested parties contact him for a flyer to RSVP.

Shanana Rain BearCat announced that www.quartzsitecalendar.com is now live, up and working. She explained it is a free community calendar where individuals, organizations and municipalities can post events. She said the site allows anyone to suggest an event to be posted. Links can be attached and shared. The Desert Messenger is the sponsor and the new event calendar is promoted on Facebook and Twitter. Rain said she hopes the Town's website will have a link to it.

PROCLAMATIONS:

1. PROCLAMATION – Mothers Against Drunk Driving PowerTalk 21[®] Day, Monday, April 21, 2015.

The Mayor read the proclamation aloud.

2. PROCLAMATION – National Arbor Day, April 24, 2015.

The Mayor read the proclamation aloud.

3. PROCLAMATION – Pay It Forward Day, April 30, 2015.

The Mayor read the proclamation aloud.

4. PROCLAMATION – Law Day, May 1, 2015.

The Mayor read the proclamation aloud.

5. PROCLAMATION – Law Enforcement TORCH RUN for Special Olympics, May 6, 2015.

The Mayor read the proclamation aloud.

CONSENT AGENDA:

6. **LEDGER OF ACCOUNTS PAID – Consider approval of check series 38693 - 38777, totaling \$155,793.23.**

Council Member St. Germain pulled check number 38731. The check was payable to a garage equipment supply, in the amount of \$1,450 to install a four post lift and \$275 for an annual inspection on a two post lift. Council Member St. Germain stated he was extremely curious as to why the Town is paying an annual inspection fee for a two post lift since the Town is no longer using it as it was deemed uninsurable by the Town's insurance company.

Town Manager Miller explained the annual inspection occurred in October of 2014 but the invoice was received just recently. It was determined from the inspection that a new lift was in order.

Council Member St. Germain moved to approve the checks and Vice Mayor Simpson seconded the motion. The vote was unanimous. Motion Passed.

CALL TO THE PUBLIC

Jennifer Jones spoke regarding the dog park and the BLM. She read a letter from the BLM aloud. Tom Jones, Assistant Field Manager, Resources, Lands and Minerals of the BLM Yuma Field Office wrote that the BLM indicated to the Town of Quartzsite that the fence for the dog park would be consistent with the terms of the Town's lease, but in order to authorize the dog park fencing, the BLM would require more information. The letter closed stating no documentation has been received from the Town in response.

Chief Renfro thanked the Council for the proclamation for the Law Enforcement TORCH RUN for Special Olympics and asked that everyone spread the word about the event to take place on May 6, 2015. Please contact Officer Hilario Tanakeyowma or Police Assistant Tim Rider to donate or ask any questions.

Phillip Cushman gave some history regarding the concept of a youth council to assist in the Council's decision regarding establishing a youth council. He said it is very important and the youth are the future. He strongly urged the Council to include youth in the governmental process and to listen to their ideas.

ADMINISTRATIVE ITEMS:

7. **MINUTES – Consider approval of the minutes of the Regular Meeting of March 24, 2015.**

Vice Mayor Simpson moved to approve the minutes of March 24, 2015 and Council Member Kelley seconded. The vote was unanimous. Motion Passed.

8. **YOUTH COUNCIL – Discussion regarding the creation of a Town of Quartzsite Youth Council. Agenda item requested by Council Member St. Germain.**

Council Member Orgeron moved to open the item to public discussion and Council Member St. Germain seconded the motion. The vote was unanimous. Motion Passed.

Town Manager Miller said he believed Council Member St. Germain was approached by some active members of the Town's youth community to bring this to the Council for discussion.

Council Member St. Germain invited Miss Rhiyanna Timberlake to speak to the Council. She spoke of ideas for activities to allow the Town's youth, over the age of twelve, to alleviate boredom which leads to trouble.

Miss Timberlake stated being a part of the Town may provide opportunities for the Town's youth to apply for grant funding in the future.

The Mayor said he wanted information from the League regarding youth councils.

The Mayor asked Town Manager Miller to get more information and to work with Miss Timberlake to bring back a more solid package for the Council. The Mayor suggested a mission statement and an outline of a plan.

Council Member Orgeron asked what type of projects interested youths might be looking at to become involved in as part of a youth council.

The Mayor said that without doubt the Council is all in favor of such a youth group.

Miss Timberlake said she will try to get names of those youths who are interested in participating.

Mr. Roth spoke regarding a community garden with youth involved.

Pam Caskey spoke regarding the power of youth united in effort when given a chance.

Public comment was closed.

9. TRANSIT REPORT – Discussion regarding Quartzsite Transit System ridership and alternatives to the current Transit System. Agenda item requested by Council Member St. Germain.

Council Member St. Germain asked if Janet Collier, Transit Coordinator, was in attendance. Town Manager Miller stated she was at a transit conference.

The Mayor moved to table the item to the next meeting and Council Member St. Germain seconded the motion. The vote was unanimous. Motion Passed.

10. PROCUREMENT ORDINANCE REVIEW – Discussion regarding the current Procurement Ordinance, Article 3-4 of the Town Code. Agenda item requested by Council Member St. Germain.

The Mayor stated he put this on the agenda and explained the reason. He said the Council needs tighter control of the procurement process.

Town Manager Miller stated the Council does have ultimate authority.

There was discussion regarding borrowing from HURF.

Council Member St. Germain asked Town Manager Miller if the Town has a complete inventory of its assets. Town Manager Miller stated for insurance purposes there is an inventory list of the Town's assets, but it does not include individual tools.

Council Member St. Germain asked that the small tools be accounted for as the Council is fiscally responsible for the Town. He asked for a complete inventory of what the Town has – including small tools.

Council Member St. Germain said he is seeking accountability for every purchase which would start with an inventory list. He said he needs to know what the inventory is to maintain accountability and to be able to explain the reason for purchases to the public who is asking him questions about purchases and inventory.

Vice Mayor Simpson expressed his concern that construction contracts and contracts for professional services are exempt from the bidding process. He asked why Council would not be involved with these.

Town Manager Miller spoke regarding the process for contracting for professional services including requesting qualifications, determining a company's suitability based on variables and Council's approval before the Town enters into a contract.

Vice Mayor Simpson stated his concern with the Town Manager as the procurement agent for the Town. Vice Mayor Simpson said the Town Manager has ultimate control on everything.

The Mayor asked about doing work without a contract.

Town Attorney Goodwin stated any service, professional, or otherwise, should have a contract. If the contract exceeds \$8,000, the contract must be approved by Council. Town Attorney Goodwin said the Council could change that dollar amount if it is too high as a threshold.

In response to a comment that under the procurement code construction contracts are exempt from the code's bidding requirements, Town Attorney Goodwin explained that local governments are pre-empted by Arizona Revised Statutes Title 34, which sets forth separate bidding requirements. The Town must follow those very rigorous requirements.

The Mayor said engineering and attorney fees have become the major part of the Town's budget. The Mayor stated the Council needs to take control of it.

Town Manager Miller responded that Council does have control.

The Mayor said he has not seen a contract for a Town prosecutor.

The Town Manager said the Town prosecutor charges a flat retainer, but if the Council wants to put out an RFP or an RFQ for a Town prosecutor, it could do that.

Council Member St. Germain asked if the Town's pest control services were under contract.

Town Manager Miller said pest control is a monthly service.

The Mayor asked that a monthly or quarterly report on the status of the Town's projects be provided to the Council.

The Mayor requested that the Council receive a quarterly report of the budget so that Council will know where the Town stands.

11. MAGISTRATE COURT – Discussion, review, and direction to staff regarding the current status of the Quartzsite Magistrate Court operations in order to facilitate an appointment process for a Town Magistrate.

The Mayor said the Town received a letter from Judge Carvnevale that stated she was not interested in the proposed consolidation. The Mayor said he would like to meet with her before any decisions are made on the matter. He explained he wants to speak with her to make sure she is aware of the benefits of consolidation to the taxpayers.

Town Manager Miller advised that in light of Judge Carnevale's letter, he would like to advertise for a judge while waiting for the Mayor to have an opportunity to speak with Judge Carnevale. Town Manager Miller stated he would like to start to prepare to advertise.

The Mayor said he doesn't believe it is fair to anyone to ask for a resume before there is an actual open position.

Council Member Orgeron suggested that as a Town we should move forward as Judge Carnevale may not change her mind.

The Mayor directed staff to get a formal response from the new court clerk regarding taking the position of the Town's Magistrate Judge.

- 12. AMENDMENT TO TITLE VI POLICY – Review and possible action to repeal Resolution No. 15-05, and adopt its revision Resolution No. 15-06, Title VI Implementation Plan for the Quartzsite Transit Services. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance, the individuals who are covered by these protections, the entities that must follow this law, and how Title VI is enforced. ADOT's Civil Rights Office has advised the Town that stronger language is needed to identify how the Town plans to engage underserved minorities.**

The Mayor said the Council is going to repeal the previous resolution and enact a revised resolution.

The Council approved a Title VI Implementation Plan at the last Council meeting. Town Manager Miller stated, per ADOT instruction, the plan was submitted and after ADOT's second review, it was determined there was additional language required. ADOT advised that the Town's Title VI program needs to more actively recruit from minority demographics within the community.

Council Member Orgeron moved to repeal Resolution No. 15-05 and adopt its revision Resolution No. 15-06, Title VI Implementation Plan for the Quartzsite Transit Services to satisfy Federal Transit Administration requirements. Vice Mayor Simpson seconded the motion. The vote was unanimous. Motion Passed.

- 13. BUDGET WORK SESSION – Discussion to schedule a work session to review preliminary budgets of the following departments: Police, Public Works, Water, Wastewater, and Park.**

Town Manager Miller requested a preliminary budget work session to be held Tuesday, April 21, 2015 at 5:00 p.m. or later.

Town Manager Miller spoke regarding on-going IT costs that significantly impact the Town's monthly expenses. He stated final numbers just came in. He said he would like to show the Council a proposal of a new IT implementation, separate from the budget, which would impact all of these budgets. This would be incorporated into the work session.

The Mayor wants to review the information before the meeting.

A Budget Work Session scheduled for Tuesday, April 21, 2015 at 5:00 p.m.

14. EXECUTIVE SESSION

- **Executive Session pursuant to ARS Section 38-431.03(A)(4) for discussion or consultation with the Town Attorneys in order to consider the Town's position and instruct its attorneys regarding the Town's position regarding pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the case Wilcox v. Quartzsite, et al.**
- **An executive session pursuant to A.R.S. § 38-431.03(A)(7) for discussions or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the sale or lease of real property located at 560 Coyote Street, Quartzsite, AZ (APN 306-18-001A).**
- **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 or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matters of Douglas C. Gilford v. Town, et al., (U.S. District Court of Arizona, Case No. 13-CV-00468-SRB), Jennifer Marie Jones v. Quartzsite (U.S. District Court, Case No. CV2013-2170), Jennifer Marie Jones & John Lavern Jones v. Quartzsite (U.S. District Court Case No. CV2013-01770), Derrick Johnson v. Quartzsite, et al. (U.S. District Court Case No. CV14-01875), Jennifer Jones v. Parker, et al. (U.S. District Court, Case No. CV14-01907), Edward L. Foster v. Quartzsite, (La Paz County Superior Court Case No. CV2013-00115).**

Town Manager Miller suggested the reports take place before the executive session and the Mayor agreed.

COMMUNICATIONS:

Reports from the MAYOR on current events.

The Mayor announced that the Governor vetoed the Lands Act that had been passed through the House and the Senate.

Reports from the COUNCIL on current events.

Council Member St. Germain thanked the community for attending the All Fools' Rally that was sponsored by Gunny's Military Museum, a non-profit corporation. One hundred ninety-three riders supported the veterans. He stated everyone is looking forward to next year's All Fool's Rally that will also be sponsored by Gunny's military museum.

Council Member Kelley announced the upcoming Memorial Day Celebration, Monday, May 25, 2015, at the Town Park, at the Dance Slab. It will be called Picnic in the Park. There will be flyers and it will be on Rain's new calendar. There will be no charge. Everyone is to bring their own dinner. The VFW will have hotdogs and hamburgers available for purchase. She suggested the possible new youth coalition may attend. There may be a softball or kickball game with the Fire Department team playing with the Police Department and the Town Hall staff as a team. The Scouts and the 4-H Club may be involved. This event is for the residents.

Reports from the TOWN MANAGER to the Council.

Town Manager Miller spoke regarding the Cemetery entrance feature, the sign wall and the major expansion of the burial area.

Town Manager Miller stated at least one hundred if not two hundred plots will be added. He said there has been minimal cost. The equipment for the grading was borrowed from the County at no cost. Gravel was purchased at a nominal cost.

Council Member Orgeron moved to adjourn to executive session and Vice Mayor Simpson seconded the motion. The vote was unanimous. Motion passed at 8:36 p.m.

ADJOURN TO EXECUTIVE SESSION: 8:36 p.m.

RETURN TO OPEN SESSION: 9:37 p.m.

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

Council Member Davidson moved to adjourn and Council Member Warner seconded the motion. The vote was unanimous. Motion Passed.

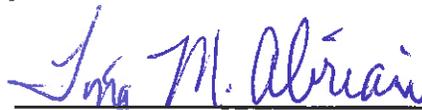
ADJOURNMENT: 9:34 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of April 14, 2015, of the Town Council of Quartzsite, Arizona, held on April 14, 2015.

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

DATED this 28th day of April 2015



Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:



Ed Foster, Mayor