

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, SEPTEMBER 8, 2015, 7:00 PM

CALL TO ORDER: 7:00 p.m.

INVOCATION: Suellen Pennington said a prayer aloud.

PLEDGE OF ALLEGIANCE: Council Member St. Germain led the Pledge of Allegiance.

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 and Tina Abriani, Town Clerk

CALL TO THE PUBLIC AND COMMUNICATIONS FROM CITIZENS:

Dick Thompson spoke regarding taxes, the Assessor's Office and the breakdown of the property tax. He expressed his willingness to vote to pay \$10 per month in taxes to help the Town maintain the services it provides.

Jennifer Jones spoke of executive sessions, recusal of oneself and lawsuits.

Suellen Pennington from First Assembly of God Church announced there will be a Spaghetti Dinner on October 3, 2015 from 5:00 p.m. – 7:00 p.m. at the Senior Center. She said the tickets are available for \$6.00 each. The money will be given to JAM, Jesus and Me, which is for the children at the Church.

PRESENTATIONS:

- 1. ANNUAL VOLUNTEER RECOGNITION AWARDS – The Mayor will read aloud the names of the winners of the Volunteer Award Contest and the certificates will be presented.**

The Mayor read aloud the names of the names of the recipients after he said, "... the real people that won were the people of the community that were served by the volunteers. We have an outstanding number of volunteers in our community. We are envied by a lot of communities because of the numbers of volunteers that do perform services in our community. I am sure they don't do this for awards, plaques and presentations. They do it because they are serving the people of the community ... all of the volunteers are winners and all in the community are winners because of what they do."

Certificates were handed to the recipients by Chairperson Sally Ford, of the Health and Development Services Board, and pins were handed out by Town Manager Skylor Miller with a handshake.

Marilyn McFate said the list of recognized volunteers was awful short compared to all the volunteers that she personally knows. The Mayor said there were a lot of unsung heroes in the Town. Danielle Miller was next on the list, but was not able to attend. The Mayor named Gunny St. Germain next. Gunny said the certificate belonged to the community of Quartzsite because without all of the community's support it wouldn't have happened. He thanked everyone very much.

The Mayor next called the following names: Andy Kiss; Carol Kelley, who said she couldn't do it without Quartzsite because a lot of people help her; Chelley Lynn Kaufman; Dean Winhold; Deb St. Germain; Donna Dole; Elmer London, who said he wasn't sure he was entitled to the certificate; Gene Ross; Hugh Bryant; Iris Turner; Jenny Mills; Juanita Cornell; Lynda Goldberg, who said she received the award for her help with the summer youth program where everyone did a mighty fine job and the kids in the community so appreciated it; Lynda Ward; Marie Jewitt, Mike Jewitt, her husband, accepted the award for her; Mark Goldberg; Mary Ann Peck; Mike Jewitt, who said thank you to everyone; Mimi Morales; Monica Timberlake; Pam Caskey; Richard Trustee; Sharon Chandler; Starr BearCat, who thanked the community and explained why she does what she does for the community; Sue MacCracken; Suellen Pennington, who said she knew since she was in sixth grade that she was to be in service of some sort helping people and that she really, really enjoys it; Sylvia Browning; and Terry Bashore.

2. PASSPORT PROGRAM – Information regarding the Passport Program will be presented by Mark and Lynda Goldberg.

Mark Goldberg spoke of the La Paz Focus Future II Strategic Plan for commercial and economic development that was developed jointly throughout the county in 2012. He said in 2014 there were four committees formed to start to implement the recommendations of a study. Mark and Lynda Goldberg were at the meeting giving the presentation, representing the Hospitality and Tourism Committee, which is one of the four committees. The Passport Program carries out the goals of the study.

Mark Goldberg said Lynda Goldberg and Rain BearCat have been serving the Committee as the participants from Quartzsite. The following are statements from the presentation and the letter to the Town Council part of the agenda packet. The Passport to Adventure program and activity brochure is a far-reaching tourism promotion by which every visitor, to every community in La Paz County will have access to ALL events in the County, versus just the individual area they are visiting. The program is free, and visitors have the opportunity to win prizes merely by attending events throughout the County. Combined with the new Quartzsite Visitor Guide, the new on-line Quartzsite Calendar, the re-birth of The Main Event Show grounds, the Quartzsite Chambers of Commerce renewed cooperation, the on-line presence through Facebook, and Twitter, the Town of Quartzsite is staged to have one of the greatest, and most profitable visitor seasons yet.

The costs for the Passport program are minimal in relation to its potential benefits.

Printing:	\$6,500
Kick-off Luncheon:	\$1,300
Facility for Kick-off	-donated-

To date, financial commitments have been:

CRIT	Donation of facility for Kick-off Luncheon
La Paz Economic Dev. Authority	Donation towards printing
La Paz Regional Hospital	\$1,000
Town of Parker	\$1,000
Quartzsite	-pending-

Mark and Lynda Goldberg said they hoped that the Town Council saw the value in supporting the Passport to Adventure Program with a donation.

The Mayor asked that the issue of a donation be listed on the Town Council's next agenda for possible action.

CONSENT AGENDA:

3. LEDGER OF ACCOUNTS PAID – Consider approval of check series 39303 - 39349, totaling \$76,887.07.

The Council decided to handle the checks separately from the appointment.

Vice Mayor Simpson moved to approve the ledger of accounts paid as presented and **Council Member Kelley seconded** the motion.

Council Member Davidson said until he sees significant reductions in spending he will not be able to vote to approve checks.

The Mayor called for the vote. The vote was six ayes and one nay from Council Member Davidson. **Motion Passed.**

4. APPOINTMENT OF A RECREATION COORDINATOR - Budget approval to appoint a Recreation Coordinator, an approved vacant position.

Council Member Orgeron said he thought, and was under the impression that, the Town was looking at a part-time position for the Recreation Coordinator position.

Town Manager Miller said the discussion had been that there were two full-time positions that were vacant and that he was not going to fill one of those positions, but instead would combine those duties into one full-time position. He said the person would predominately be involved with planning, scheduling and running the community center, including the after-school program and the summer school program, as well as some office duties when

time allows. He said the person would work on holidays, weekends and evenings with no overtime earnings.

The Mayor reminded Town Manager Miller that the Council challenged him to bring the Town's expenses in under income, by the fiscal year's end, so that the Town is repaying HURF.

The Mayor said that he was fine with hiring the new person as long as Town Manager Miller could still meet his directive.

Council Member Orgeron expressed his concern that the Council had only an item on the agenda with no further information. He was interested to know more regarding the position, such as the job description, duties and expected time expenditures in both of the roles of the position.

Town Manager Miller said he was directed to handle the matter the way the County did and that was by means of a listing on the Consent Agenda.

Vice Mayor Simpson said it was his understanding that it was a four month per year position.

Council Member Orgeron said that was not his understanding and that he would not vote favorably on the matter without something to show what the position entails.

The Mayor suggested that the item be tabled until a job description is made available.

Town Manager Miller said the After School Program was already in progress and short-staffed.

There was a discussion regarding asking questions regarding the agenda before the meetings to expedite matters. It was discussed that the audience may wish to be advised that the question was asked and answered. A comment was made indicating that the points could be brought out during the meeting.

Council Member Kelley moved to appoint a Recreation Coordinator because it is needed and **Council Member Warner seconded** the motion

Roll Call Vote: Motion passed (summary: Yes = 5, No = 2, Abstain = 0).

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

No: Council Member Orgeron, Council Member Davidson.

ADMINISTRATIVE ITEMS:

5. MINUTES – Consider approval of the minutes of the Regular Meeting of August 25, 2015.

Council Member St. Germain moved to approve the minutes of the Regular Meeting of August 25, 2015 and **Vice Mayor Simpson seconded** the motion. The vote was unanimous. **Motion Passed.**

6. TOWN BOARD, COMMITTEE AND CORPORATION – Discussion, review and possible appointment of volunteers to a Town board, a committee and the corporation.

Town Manager Miller stated the Park and Recreation Committee, the Personnel Board and the Municipal Property Corporation have vacancies and or applicants for renewal.

The Mayor announced the process would begin with the Park and Recreation Committee. The Committee had three vacancies and five applicants who submitted Volunteer Interest Statements.

Council Member Orgeron moved to appoint Sally Ford to the Park and Recreation Committee and **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

Council Member Kelley moved to appoint Denise Florian to the Park and Recreation Committee and **Council Member Warner seconded** the motion. The vote was unanimous. **Motion Passed.**

Vice Mayor Simpson nominated Justin Simpson to the Park and Recreation Committee and **Council Member Warner seconded** the motion. The vote was unanimous. **Motion Passed.** Mayor Foster stated for the record that Vice Mayor Simpson and Justin Simpson were not related.

The Mayor announced the Personnel Board had a vacant member seat and a vacancy for an alternate member. He stated there was one Volunteer Interest Statement. The Mayor asked the audience if there was any person in the audience that wished to volunteer for the position. Jennifer Jones said she would volunteer to be an alternate.

Council Member Orgeron moved to appoint Beverly Cunningham to the Personnel Board and **Council Member St. Germain seconded** the motion. The vote was unanimous. **Motion Passed.**

The Mayor moved to appoint Ms. Jones to the alternate vacant position and **Council Member Davidson seconded** the motion. The vote was six ayes one nay by Council Member Orgeron. **Motion Passed.**

The Municipal Property Corporation had an expired term and no other vacancies. Mr. Thompson requested reappointment in writing and there was a Volunteer Interest Statement from another interested citizen.

Council Member Orgeron moved to appoint Richard Thompson and **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

The Mayor and Council directed staff to place the matter of the Vendor Board on the next Council meeting agenda for possible action to disband it. The Mayor said it may become a community committee.

7. LOCAL REVENUE AUTHORITY - Discussion regarding taxation authority of the Town, including sales, use of property taxes.

The Mayor asked for a motion to open the item for public discussion. **Vice Mayor Simpson moved** to open the matter to public discussion and **Council Member St. Germain seconded** the motion.

The Mayor explained the Town does not tax itself for itself. He spoke of HURF and asked the Town Manager how much the Town owed to HURF. Town Manager Miller said the amount was 2.6 million dollars.

The Mayor said he had challenged the Town Manager to run the Town with less money than it receives. The Mayor said the State of Arizona is constantly eroding what goes to the Town. He said the Town of Quartzsite relies on the State of Arizona for all of its income. He said the Town does not have any dedicated income coming into the Town of Quartzsite, other than permit fees. He said services such as the Police Department and the Park, are paid by the contributions from the State of Arizona. The Mayor said the Governor, in his last budget, decided that he could charge towns and cities to collect taxes.

The Mayor said that if the citizens of the Town of Quartzsite want a property tax, only the people of the community can make it happen; the Council alone cannot.

The Mayor explained an initiative process would have to be completed and put on the ballot in 2016. He said that the taxpayers would have to vote on it. He suggested some Town Hall meetings to discuss the matter of a property tax. He said the Town must pay its debts and this is the only way he can see that the Town can start to pay off its debt to HURF.

The Mayor invited the public to speak on the matter.

Mark Goldberg spoke regarding the services the community provides that he could not provide for himself. He listed the water system, the wastewater system, maintenance of roads, and the maintenance of a transportation system for those that need it. He said he thought it was reasonable that he pay a reasonable sum for those services that he expects from government.

Jennifer Jones spoke regarding municipal budgeting, enterprise funds and HURF money for roads. She said she was against a property tax because it should not be the first remedy pursued by municipal government. She said the first thing to look at was where money could be saved and to stop reckless spending.

Dave Collier spoke regarding BLM running a big business around the Town. He said the Town should be taxing them as they are using the Town's services. He stated it had been done before.

Starr BearCat spoke regarding the formation of the Town and an agreement that may have been made in the past to not have a property tax. She also spoke of tax districts.

The Mayor said the Town must either spend less or eliminate some services to the community in order to live within the Town's income.

Town Manager Miller read an excerpt from the Town Attorney regarding the imposition of a local gas tax. He read that Arizona statutes do not authorize such a local tax and the Model City Tax Code does not therefore include that option. Taxation of gasoline is expressly preempted by state statute. Specifically, A.R.S. § 42-6004(B) provides: "A city, town or other taxing jurisdiction shall not levy a transaction privilege, sales, use, franchise or other similar tax or fee, however denominated, on natural gas or liquefied petroleum gas used to propel a motor vehicle."

Michael Jewitt spoke of liquefied petroleum gas, natural gas and propane. He said that gasoline or diesel fuel is not natural gas and is not liquefied petroleum gas.

The Council directed the Town Manager to look into the definitions with the Town Attorney.

The Mayor said he would rather engage everyone in the process of discussing possible gas taxes or property taxes. He asked that the subject be revisited in November with Town Hall meetings in order to include the winter visitors.

Lynda Goldberg spoke about the winter visitors and another community in which appearances and perception caused an unwelcomed outcome. She suggested caution in moving forward before all the citizens have arrived.

The Mayor closed the discussion item.

8. REGIONAL MEETING - Discussion regarding organizing a regional meeting with elected officials within La Paz County.

The Mayor spoke of quarterly meetings that were held in the past. The meetings were held to discuss mutual concerns of the attendees. The meetings consisted of the Quartzsite Town Council, the Parker Town Council, the La Paz Board of Supervisors and the Colorado River Indian Tribes Tribal Council.

The Mayor asked the Council to direct the Town Manager to write a letter on Town letterhead to Mr. Field advising him that the Council is in favor of such a meeting and to let him know the Town would like to organize a meeting. The letter should ask for Mr. Field's opinion regarding such a meeting.

There was discussion and recommendations regarding letter recipients.

The Town Manager stated, for clarification, he was to send a letter to determine if there was any interest in a joint meeting across the County. Town Manager Miller stated the letter was to be sent to the Chief Administrative Officers of each one of those districts and their respective Councils or elected bodies were to receive a copy also.

The Mayor asked that the letter indicate that the Quartzsite Town Council supports such a joint public meeting.

Council Member Kelley said similar meetings were held in the past with each meeting held at a different location within the County.

The Mayor said the State is cutting the revenues of many local governmental agencies; so, it is a matter of mutual concern. He said if the group could speak as one voice united, rather than small voices independently, a better outcome may result.

ADJOURN TO EXECUTIVE SESSION - 8:18 p.m.

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

9. 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 pending litigation:

Jennifer Marie Jones v. Quartzsite (Ninth Circuit Court of Appeals, Case No. 15-CV-16261) (appeal of U.S. District Court, Case No. CV2013-02170);

Jennifer Marie Jones & John Lavern Jones v. Quartzsite (U.S. District Court Case No. CV2013-01770);

Jennifer Marie Jones v. Quartzsite, et al. (Ninth Circuit Court of Appeals, Case No. CV15-16279) (appeal of U.S. District Court CV2012-01383);

Derrick Johnson v. Robert Brady, et al. (U.S. District Court Case No. CV14-01875);

Jennifer Jones v. Parker, et al. (Ninth Circuit Court of Appeals Case No. 15-16709) (appeal of U.S. District Court, Case No. CV14-01907).

RETURN TO OPEN SESSION - 8:38 p.m.

ROLL CALL:

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

COMMUNICATIONS:

10. Reports from the MAYOR on current events.

The Mayor stated that Arizona State Representative Sonny Borrelli had just announced that he would be running for the State Senate against Ron Gould. The Mayor explained that Mr. Borrelli's seat as a State Representative would be vacated and Ms. Kelli Ward's seat will be vacated because she will be running for the U.S. Senate. He noted that the next evening he would be traveling to Kingman to hear the candidates speak.

11. Reports from the COUNCIL on current events.

None.

12. Reports from the TOWN MANAGER to the Council.

Town Manager Miller said there was a great turnout at the Labor Day Festival.

Town Manager Miller spoke of the Northern Arizona University's Education Technology Consortium, the Town's new Information Technology vendor, beginning their work with the Town on September 15, 2015.

The Mayor announced that the Town went to a paperless Council. Town Manager Miller interjected by clarifying that the Council would not be paperless; but, it would use less paper. Town Manager Miller said the change would provide more information to the Council and be more accessible.

ADJOURNMENT: 8:41 p.m.

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

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of September 8, 2015, of the Town Council of Quartzsite, Arizona, held on September 8, 2015.

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

DATED this 22nd day of September 2015



Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:



Ed Foster, Mayor