

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, JANUARY 12, 2016, 7:00 PM

CALL TO ORDER: 7:00 p.m.

INVOCATION:

PLEDGE OF ALLEGIANCE: Led by Council Member Warner.

The Mayor announced that Council Member Kelley would not be able to attend the meeting due to illness.

ROLL CALL:

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

Absent: Council Member Kelley.

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

ANNOUNCEMENTS:

None

CALL TO THE PUBLIC AND COMMUNICATIONS FROM CITIZENS:

David Taylor, a visitor to Quartzsite for many years, spoke of the things he said he noticed in Quartzsite that don't fit in with the rights that are guaranteed under the U.S. Constitution and the rights stated in the Declaration of Independence. He specifically spoke of the Town's citizens' rights to be fully represented by elected council members, and his perception that all the current Council, and past councils, cared about was money.

CONSENT AGENDA:

- 1. LEDGER OF ACCOUNTS PAID – Consider approval of check series 39703 - 39768, totaling \$140,778.36.**

DONATION – Acceptance of a \$500 donation from the Quartzsite Community Thrift Store to the Town Library.

Council Member Orgeron moved to approve the check series 39703 - 39768, totaling \$140,778.36 and Council Member Warner seconded the motion. The vote was five ayes and one nay from Council Member Davidson. Motion Passed.

The Mayor made a public acknowledgment of the \$500 donation from the Quartzsite Community Thrift Store to the Town Library. The Mayor said thank you, and Vice Mayor Simpson said, "Here, here." The other Council Members nodded their concurrence.

ADMINISTRATIVE ITEMS:

- 2. MINUTES – Consider approval of the minutes of the Town Council Work Session of December 22, 2015 and of the Town Council Regular Meeting of December 22, 2015.**

Council Member Orgeron moved to approve the minutes of the Town Council Work Session of December 22, 2015, and of the Town Council Regular Meeting of December 22, 2015. **Vice Mayor Simpson seconded** the motion. The vote was unanimous. **Motion Passed.**

- 3. DUMP TRUCK LEASE-PURCHASE – Review and possible approval to enter into a lease-purchase agreement with PACCAR Financial to acquire a budgeted new Kenworth heavy duty dump truck for Public Works in an amount not to exceed \$156,494.64.**

The Town Manager said this was the same request for a dump truck purchase that was brought to the Council at the last meeting. He said, at that meeting the Council had a question regarding what exactly the financing options and details were including the benefits of leasing it rather than purchasing it outright.

Town Manager Miller said the truck would be used for all of the field operations that were under the Public Works umbrella, and would be replacing two aging dump trucks that were built in the 1980s.

He said the benefit of the lease, which is through the State Purchasing Co-Op, is that it is a tax-exempt process. He said to purchase the truck outright the taxes would amount to nearly \$12,000. Town Manager Miller said many communities in the same situation initiate the lease agreement to receive the benefits of the tax-exempt process and the option to pay it off without penalty, to avoid the majority of the interest payments.

Town Manager Miller recommended moving forward with a lease purchase with a buyout in FY 16-17. He said that way the Town would only incur two interest payments totaling \$3,521, and the total amount of the fully equipped dump truck would be \$145,931.16.

Council Member Orgeron moved to authorize the Town Manager to exercise Option 1 (lease purchase with a buyout) for the dump truck purchase lease. **Council Member St. Germain seconded** the motion. The vote was unanimous. **Motion Passed.**

Town Attorney Goodwin advised the Council that the Town does not yet have the lease purchase financing document which is different from the purchase contract. She said it was recommended that lease purchase be approved subject to the Town Attorney's

review and approval of the lease purchase document. She said this would avoid having to bring the item back to the Council.

Council Member St. Germain withdrew his second to the motion made by Council Member Orgeron.

Council Member Orgeron withdrew his motion and moved to authorize the Town Manager to execute Option 1 (lease purchase with a buyout) subject to review and approval by the Town Attorney. **Council Member St. Germain seconded** the motion. The vote was unanimous. **Motion Passed.**

4. QUARTZSITE PUBLIC TRANSIT SYSTEM OPERATIONS – Discussion to determine the scope of services of the Town Transit System.

Town Manager Miller said the agenda item was a step, requested by the Arizona Department of Transportation (ADOT), in the process of transitioning to a public transit system that would be available to everyone. He said in order to secure the 5311 Program funding for a public transit system, ADOT is requesting an additional commitment from Council.

Janet Collier, Transit Coordinator, said she was seeking the Council's support to transition from the current Town Transit System, the 5310 Program funded system developed for elderly and disabled citizens, to a 5311 Program funded system which is open to the general public.

Mrs. Collier stated the differences and benefits for the Town were going to be in how it affected the Town Budget and the General Fund. She explained that under the current 5310 Program, the operating budget was \$106,000 and \$81,000 of that was supplied by the General Fund. She said that when the Town moved to the 5311 Program, the Transit budget would be considerably larger, but the impact to the General Fund would only be \$56,000.

Mrs. Collier highlighted the fact that the 5311 Program would produce over \$25,000 in savings to the General Fund. She reviewed how the vehicles would be purchased under the 5311 Program. It would entail a ninety-ten split with ADOT to pay 90 percent and the Town to pay 10 percent.

Vice Mayor Simpson asked if the dollar amounts provided from the 5311 Program Funding and the Budget were for the first year only.

Town Manager Miller responded that the Town must apply on an annual basis for the 5311 Program funding.

The Mayor said the Town is not committed to run a 5311 Program without that specific funding provided by ADOT.

Council Member Orgeron moved to further state for Resolution 15-04 (that was just for reference) that the Town outwardly and officially supports obtaining funding from 5311 Program. **Council Member St. Germain seconded** the motion. The vote was unanimous. **Motion Passed.**

5. BUDGETARY AUTHORIZATION TO APPOINT SPECIFIED POSITIONS – Discussion, consideration, and possible budgetary authorization for needed part-time temporary positions in Town offices.

- **Part-time Library Clerk – a budgeted position**
- **Temporary Part-time Administration Clerk – a budgeted position**
- **Emergency Part-time Magistrate Court Clerk – in coordination with Quartzsite Justice Court**

There was a discussion of the need to fill the three positions and their respective funding.

The Mayor said he would be remiss if he didn't make the public statement that the Town Manager is still under the guideline to make the year one in which there is no need to dip into borrowing from HURF.

Council Member St. Germain moved to authorize to appoint the following positions, a part-time library clerk, a temporary part-time administration clerk, and an emergency part-time Magistrate court clerk.

Vice Mayor Simpson seconded the motion. The vote was unanimous. **Motion Passed.**

6. BUSINESS LICENSE FEE CHANGE – Review and consideration of the adoption of an ordinance increasing the Town of Quartzsite Business License Annual Fee and providing that business licenses expire on July 31 of each year. (Town Code, Chapter 8, Article 8-2, Section 8-2-9, Fees).

The Mayor said the agenda item had already been discussed. He asked if anyone from the audience wished to make a public comment. No one from the public spoke.

Town Manager Miller said the agenda item was a continuation of a Council action taken in early November. He explained that the proposed ordinance was a modification to a resolution that was adopted without having been advertised for the legally required sixty days because a fee change was involved. He explained that he became aware of the requirement after the resolution was adopted.

Town Manager Miller said the legal requirement regarding giving notice had been met which allowed the Council to vote on the proposed ordinance. He said the proposed ordinance sets the Town's business license fee at \$75.00 and sets the expiration date of all business licenses on July 31st of every year. He explained the renewal process would

could all at once. He explained the benefits of the proposed expiration date and renewal process.

Town Manager Miller said anyone that had purchased a business license prior to July 31, 2016, would receive a prorated credit on their next year's business license.

There was a discussion regarding the reasons for the same business license renewal date for everyone, including the lack of staff to process them as they come in monthly.

Council Member Orgeron asked Town Manager Miller if there were any way for the Town to request to see if the businesses applying for renewal had paid taxes for the prior year before the license was renewed.

Town Manager Miller said he believed so. He said the Town would contact the Arizona Department of Revenue to verify that.

Town Manager Miller said the Town does require that any business that is subject to the Arizona Transaction Privilege Tax to provide an active and verified license number.

Town Attorney Goodwin said the tax requirement was already in the Town Code. She read from the Code: "No license shall be renewed until the licensee or permittee conforms to the provisions of the Town Code." Town Attorney Goodwin said that included the Tax Code. She said the Town Code could expressly say what Council Member Orgeron suggested.

Council Member Orgeron and the Mayor said the requirement should not be implied, but it should be expressly stated.

Town Attorney Goodwin said, for clarification, at the end of the second sentence in Chapter 8, Article 8-2, Section 8-2-9, Fees, Paragraph D, 'including payment of transaction privilege taxes, as required by Chapter 9.'

Council Member Orgeron moved that the Council adopt a new ordinance for the business license fee change, along with the expressed changes, including receipt of transaction privilege taxes, as required by Chapter 9, and the new renewal date. **Council Member Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

7. **HEALTH AND DEVELOPMENT SERVICES BOARD – Review and possible amendment to the Town Code, Chapter 20, Health and Development Services Board related to the membership, terms of office and duties of the Health and Development Services Board; amending the procedures for submitting an application for public funds to provide services in the Town; and amending reporting requirements.**

Council Member Orgeron moved to open the agenda item to the public, and **Vice Mayor Simpson seconded** the motion. The vote was unanimous. **Motion Passed.**

The Town Manager reviewed the changes from the Council's last work session. He said the Council decided the Health and Development Services Board was to have seven members, serve as the Town Transit System's Transit Advisory Committee, TAC, and board members would recuse themselves when conflicts of interest arose.

Monica Timberlake, a member of the Health and Development Services Board, said the Board had repeatedly made requests of Town staff that were not fulfilled. She spoke of requested work sessions with the Town Council.

Shanana Rain BearCat said she attended the Town Council's last work session regarding the Health and Development Services Board. She said she was very disappointed that the public didn't have an opportunity to speak. She spoke of the lack of backup documentation to the meeting's agenda on the website. She said the public should have had a copy of the Council was reviewing.

The Mayor moved to close the public discussion and **Council Member Warner seconded** the motion. The vote was unanimous. **Motion Passed.**

Council Member St. Germain read Chapter 20, Health and Development Services Board, Article 20-1-2, Membership and Terms of Office, D., "A member of the Board who is a member of an agency or who represents an agency applying for public funds shall recuse himself from discussion and voting on that agency's application for public funds." He said he thought the Council had decided to have it be 'board members' of the agencies, not just 'members.'

Town Manager Miller thanked Council Member St. Germain and said it was supposed to say 'board members' (of applicant agencies).

Council Member Orgeron moved to approve the amended amendment (ordinance, as amended) to Town Code, Chapter 20, the Health and Development Services Board, related to membership, terms of office, and duties of the Health and Development Services Board. **Council Member Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

8. COMMUNITY OUTREACH FUNDING APPLICATIONS Review, consideration and possible action to approve applications for Community Outreach Funding as forwarded by the Health and Development Services Board for award of the 2016 Town Promotional Funds. Upon Council's decision, accountability contracts will be prepared for the selected organizations, in the amounts set by Council.

➤ **The five applicants:**

- **Proud Neighbors of Quartzsite**
- **Quartzsite Area Chamber of Commerce and Tourism**
- **Quartzsite Business Chamber of Commerce**
- **Quartzsite Historical Society**
- **Quartzsite Senior Citizens Center**

➤ **Letter of withdrawal of request for Community Outreach Assistance from Proud Neighbors of Quartzsite.**

The Mayor said the Proud Neighbors withdrew their application.

The Mayor recommended the Council approve the same amounts to the same organizations this year as last year.

Council Member Warner asked why the Mayor's recommendation did not include the Quartzsite Area Chamber of Commerce and Tourism.

Council Member Orgeron asked if the Town received anything stating the Quartzsite Area Chamber of Commerce and Tourism had 501(c)(6) status. Council Member Orgeron said that when they applied they did not have 501(c)(6) status.

Town Manager Miller said they have 501(c)(6) status now.

The Mayor said the other organizations are more dependent upon the public funding for their existence.

Council Member Warner moved to award the Quartzsite Business Chamber of Commerce, the Quartzsite Historical Society, and the Quartzsite Senior Center \$2,000 each for their community outreach funding. **Council Member Davidson** seconded the motion.

Town Manager Miller recommended that "upon the successful completion of an accountability contract," be added to the motion.

Council Member Warner and Council Member Davidson accepted the amendment.

The vote was unanimous. **Motion Passed.**

9. THE UNITED STATES POSTAL SERVICE LAND LEASE – Discussion and possible action to approve the CBRE, Inc. Brokerage Services contract to extend the lease of the Town property located at 309 N. Plymouth Ave., thereby initiating draft lease documents for the Council's review. The lessee is the United States Postal Service (USPS).

Town Manager Miller said the agenda item referenced the annex and that he was working with CB Richard Ellis to finalize the contract. He stated there had been some recommended changes to the existing proposed contract by the Town Attorney.

Town Manager Miller requested that the Council authorize the Town Manager to execute a contract pending approval of the recommended changes by the Town Attorney and concurrent with the Town Attorney.

Council Member St. Germain asked if the lease amount increased from that which they were paying.

Town Manager Miller answered that it was the same amount as that which they had been paying.

Council Member St. Germain moved to direct the Town Manager Miller to work out the land lease with CBRE in conjunction with the attorney's recommendations. **Council Member Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

Town Attorney Goodwin clarified the motion by saying that they authorized the Town Manager to execute the lease, which is part of the CBRE responsibilities subject to the review and approval of the Town Attorney.

Council Member St. Germain moved to approve with the changes made by the Town Attorney, and **Council Member Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

10. VOLUNTEERS FOR TOWN BOARDS – Discussion, review and possible appointments of two volunteers to two Town boards.

Health and Development Services Board

- **One Vacancy**
- **One Volunteer – David Collier**

Hi Jolly Cemetery Board

- **One Vacancy**
- **One Volunteer – Dee Sheehan**

Council Member St. Germain moved to approve David Collier for the **Health and Development Services Board**, and Council Member Orgeron seconded the motion. The vote was unanimous. **Motion Passed.**

Council Member St. Germain moved to accept Dee Sheehan as the volunteer for the opening on the Hi Jolly Cemetery Board, and **Vice Mayor Simpson seconded** the motion. The vote was unanimous. **Motion Passed.**

11. TOWN ATTORNEY CONTRACT - Review and possible approval of an assignment of the Contract for Legal Services with Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C. to Gust Rosenfeld, P.L.C.

The Mayor announced that Ms. Goodwin had joined a new firm.

Town Attorney Goodwin said she and her legal team joined the new firm as of January 1, 2016. She said they loved working with Quartzsite and would like to continue to work for the Town.

Council Member Orgeron moved to approve the assignment of the contract for legal services with Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C. to Gust Rosenfeld, P.L.C., and **Council Member St. Germain seconded** the motion. The vote was unanimous. **Motion Passed.**

12. EXECUTIVE SESSION - An executive session pursuant to ARS Section 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 settlement discussions in order to avoid or resolve litigation related to legal fees incurred by former Police Chief Jeff Gilbert.

Council Member Orgeron moved to adjourn to Executive Session, and **Council Member Warner seconded** the motion. The vote was unanimous. **Motion Passed.**

ADJOURN TO EXECUTIVE SESSION: 7:52 p.m.

RETURN TO OPEN SESSION: 8:09 p.m.

ROLL CALL:

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

Absent: Council Member Kelley.

COMMUNICATIONS:

Reports from the MAYOR on current events.

The Mayor reported that the next day he would be attending PC Day at the State Legislature talking to legislators about legislation. He said one of the things that will try to get on to the agenda was to re-pass and put the Lands Act back before the Governor. The Mayor said that last year the Legislature passed the Lands Act that took federal lands and gave control back to the State; but, the Governor vetoed it. The Mayor spoke of the need for those lands to generate money for the Town instead of for the federal government.

Reports from the COUNCIL on current events.

Council Member St. Germain announced that on Thursday, January 14, 2016, the La Paz County Veterans Court would hear its first case. He said the defendant was from Quartzsite. Council Member St. Germain said he would stand, as a mentor, with the defendant in court, and report, at the next Council meeting, how the Veterans Court worked out.

Reports from the TOWN MANAGER to the Council.

Town Manager Miller spoke of the inordinate number of suicides in Quartzsite, and looking to see how Cenpatico, ACTS, Town staff, and the Town Council can help to combat the rise in the suicide rate in Quartzsite.

Town Manager Miller announced that Radio Science Day, provided by Quartzsite in Motion and the Town's local Quartzfest organizers, will be held Wednesday, January 13, 2016, at the Community Center. He said it was estimated that over 300 students would attend the event which would include a wide variety of radio science topics. Town Manager Miller said he hoped to see everyone there.

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

ADJOURNMENT: 8:14 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of January 12, 2016, of the Town Council of Quartzsite, Arizona, held on January 12, 2016.

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

DATED this 26th day of January 2016



Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:



Ed Foster, Mayor