

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

CALL TO ORDER: 7:00 p.m.

Mayor Foster called the meeting to order at 7:00 p.m.

INVOCATION: No one approached to give the invocation. Mayor Foster invited everyone to rise for a moment of silence in respect for those victims of violence in the last week in the nation.

PLEDGE OF ALLEGIANCE: Mayor Foster led the Pledge of Allegiance.

ROLL CALL:

Present: Mayor Foster, Vice Mayor Davidson, Council Member Kelley, Council Member Warner, Council Member Orgeron, and Council Member St. Germain attended by phone.

STAFF PRESENT: Jim Ferguson, Town Manager; Susan Goodwin, Town Attorney; and Tina Abriani, Town Clerk;

CALL TO THE PUBLIC AND COMMUNICATIONS FROM CITIZENS:

Monica Timberlake let everyone know that the School Board had held a meeting the past evening. She said the Board is looking into collaborating with Ed Options to offer free GED classes to members of the community. Ms. Timberlake said any assistance in sharing resources or providing tutoring would be greatly appreciated. She said more information on the program would be forthcoming.

Mrs. Beverly Cunningham, retiree from the Town of Quartzsite Finance Department, Manager for La Mirage RV Park, Office Administrator for the Quartzsite Area Chamber of Commerce and Tourism, Member of the Public Safety Personnel Retirement Board, and a Member of the Personnel Advisory Board, said she feels the Personnel Advisory Board is a voice for both the Town of Quartzsite and its employees. Mrs. Cunningham said she thought it was not a good idea to disband the Board at this time.

Shanana Rain BearCat, Marketing Director for the Quartzsite Area Chamber of Commerce and Tourism announced that the following evening the Chamber's Mixer would be held at 6:00 p.m. at the VFW Post. She also announced a Meet the Candidates Night would be held on August 2, 2016, at the Quartzsite Senior Center. She said the doors would open at 6:00 p.m. and the forum would begin at 6:30 p.m.

Shanana Rain BearCat stated that she hoped the agenda item regarding applicants for the vacant Council position would be open to discussion. She expressed her feeling that it was a dishonor to the four applicants not to involve them in the meeting.

CONSENT AGENDA:

1. **LEDGER OF ACCOUNTS PAID – Consider approval of check series 40412-40429, 40439-40448, and 40450-40455 totaling \$36,854.20.**

Council Member Orgeron moved to approve check series 40412-40429, 40439-40448, and 40450-40455 for \$36,854.20, and **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

ADMINISTRATIVE ITEMS:

2. **MINUTES – Consider approval of the minutes of the Town Council Special Meeting of June 21, 2016; the Special Meeting and Work Session of June 22, 2016; and the Regular meeting of June 28, 2016.**

Council Member Orgeron moved to approve the minutes of the Town Council Special Meeting of June 21, 2016; the Special Meeting and Work Session of June 22, 2016; and the Regular meeting of June 28, 2016, and **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

3. **RESOLUTION AMENDING THE PERSONNEL POLICIES - Consider approval of a resolution amending the Personnel Policies to amend Sections 104 Personnel Advisory Board, 105 Duties of the Personnel Advisory Board, 110 Right of Grievance and Appeal related to dissolving the Personnel Advisory Board and appointing a hearing officer.**

Council Member Kelley asked, "Why?" Council Member Warner said that was a good question.

The Mayor explained the reason to use a hearing officer. He said a professional hearing officer would be more appropriate. Council Member Orgeron said the worry of serial meetings, collusion, and possible bias would be eliminated.

Council Member Kelley asked where the Town would find a professional hearing officer.

Town Attorney Goodwin said most cities and towns do opt for professional hearing officers who keep up with the personnel and labor laws of the country and of the state. She said there are professional hearing officers that could be hired, paid for per hearing, in Yuma, Phoenix, or another city. She said a hired hearing officer would come to Quartzsite to hear the matter.

The Mayor said the Town had to hire an attorney for the Personnel Advisory Board.

The Town Attorney's recommendation and belief was the same as that of the Interim Town Manager, which was to hire a public hearing officer when needed.

Council Member Warner asked if a public hearing officer's opinion was final.

Town Attorney Goodwin said the public hearing officer would make a recommendation to the Town Manager.

The Mayor said that hiring a public hearing officer would take some of the emotion out of the process.

Council Member Orgeron moved to approve a resolution amending the Personnel Policies to amend Sections 104, 105, and 110, and appoint a hearing officer. (Here Town Attorney Goodwin said, "To provide for the appointment of a hearing officer.") **Vice Mayor Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

4. **ORDINANCE AMENDING TOWN CODE CHAPTER 3 ADMINISTRATION, DUE TO DISSOLUTION OF THE PERSONNEL ADVISORY BOARD – Consider approval of an ordinance amending the Town Code, Chapter 3 Administration, Article 3-3 Personnel System by repealing Section 3-3-5 Personnel Advisory Board to dissolve the Personnel Advisory Board.**

Council Member Orgeron moved to approve an ordinance amending the Town Code, Chapter 3 Administration; specifically Article 3-3 Personnel System by repealing Section 3-3-5 Personnel Advisory Board to dissolve the Personnel Advisory Board, and **Vice Mayor Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

5. **COUNCIL VACANCY – Discussion regarding the timing of the selection and appointment of a new Town Council Member to fill Norm Simpson's vacant seat.**

Requested by Mayor Foster

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

Shanana Rain BearCat said Council Member Orgeron might want to recuse himself, as the item might involve a conflict of interest for him.

It was decided that if and when there was a vote on the matter, Council Member Orgeron would have to recuse himself.

Shanana Rain BearCat expressed her opinion regarding the applicants for the Council vacancy and the fact they did not have an opportunity to be interviewed by the Council.

The Mayor explained why he asked that the item be placed on the agenda. He said that since Council Member Orgeron requested to be an applicant for the vacant Council position, it reduced the pool of Council Members that could select an applicant for appointment. He further explained that he himself was up for election, with no guarantee that he would be part of the new Council, and that Council Member St. Germain was up for election with no guarantee of a seat after November either.

Council Member Orgeron interjected, "I did say that I am willing to pull my name and we can put this on for the next meeting." Council Member Orgeron next said to consider his name pulled, and let us make sure this gets on the next agenda. Staff was so directed.

6. POLICE OFFICER POSITIONS – Discussion, review and approval to hire Jason Beard as a Quartzsite Police Officer. This is one of the two new officer positions included in the FY16-17 Tentative Budget. Officer Beard will fill the vacant reserve position and be automatically made full-time at the approval of the Final Budget.

Acting Chief Ewald explained that two vacancies are anticipated for the FY16-17 Budget. He said that there was one immediate vacancy for one reserve. If Mr. Beard is selected then the reserve position will become a regular full-time position if the budget it approved.

Mayor Foster asked if Mr. Beard was currently a reserve officer.

Acting Chief Ewald stated that Mr. Beard had not been hired, but a full background investigation was performed. Mr. Beard has been doing ride-alongs and has been through the entire vetting process, including by the Town Attorneys, and is fully certified. Acting Chief Ewald provided some information about Mr. Jason Michael Beard: thirty-one years of age; has a wife and two children; and his father is a retired Commander of the Beaumont Police Department in California after twenty-six years of service. Mr. Beard was a Police Explorer for two years while in High School; he honorably served in the Navy for five years as a Combat Medic assigned to the U.S. Marine Corps in Iraq; he is working on his Bachelor's Degree in Criminal Justice/Administration Management; and he has been a Police Officer in California for approximately six years – duties have included patrol, bike patrol, personnel protection detail, and school Resource Officer.

There was a discussion of Mr. Beard's residence in Beaumont, California and his plan to live in Quartzsite during his shifts and on days off going back to Beaumont.

Council Member Orgeron explained that the Town needs officers that live in town and plan to stay long term.

The Mayor asked that it be noted that the preference is that the officers take a more active part in the community.

Council Member Orgeron moved to approve the hire of Jason Beard as a Quartzsite Police Officer to fill a vacant officer position until the final budget is approved and then a full-time hire. Vice Mayor Davidson seconded the motion. The vote was unanimous. Motion Passed.

7. CHIEF OF POLICE EMPLOYMENT - Approval of Waiver of Paragraph 13 of the Settlement Agreement with William Ponce related to his employment with the Town of Quartzsite.

The Mayor explained that the settlement agreement stipulated that Mr. Ponce was not permitted to seek employment with Quartzsite for a period of five years. It is the Town's option to dissolve the requirement.

Council Member Warner asked if the Town has checked with the Town Attorney to determine if it is legally allowable to waive the stipulation.

Town Attorney Goodwin said the Council could waive it.

Council Member Warner moved to approve the Waiver of Paragraph 13 of the Settlement Agreement with William Ponce related to his employment with the Town of Quartzsite as Police Chief, and Council Member Warner seconded the motion. Council The vote was five in favor to one against the motion. The Mayor and four Council Members voted aye. Council Member Orgeron voted nay. **Motion Passed.**

The Mayor directed staff to notify Mr. Ponce that his signature is required.

COMMUNICATIONS:

8. Reports from the MAYOR on current events.

Mayor Foster introduced the new Interim Town Manager, Mr. Jim Ferguson.

9. Reports from the COUNCIL on current events.

None.

10. Reports from the TOWN MANAGER to the Council.

Interim Town Manager Jim Ferguson said he appreciated that the citizens participate by attending the meetings and commenting. He noted it was not usual for some communities to be so involved. He said he felt honored, happy and pleased to work with Quartzsite. He thanked the Council for the opportunity.

ADJOURNMENT: 7:27 p.m.

Vice Mayor Davidson moved to adjourn and **Council Member Kelley 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 July 12, 2016, of the Town Council of Quartzsite, Arizona, held on July 12, 2016.

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

DATED this 26th day of July 2016



Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:



Ed Foster, Mayor