

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, JULY 26, 2016, 7:00 PM

CALL TO ORDER: 7:00 p.m.

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

INVOCATION: Pastor Bruce Swart said a prayer.

PLEDGE OF ALLEGIANCE: Council Member Orgeron led the Pledge.

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; Tina Abriani, Town Clerk

ANNOUNCEMENTS:

None

CALL TO THE PUBLIC AND COMMUNICATIONS FROM CITIZENS:

None

CONSENT AGENDA:

1. **LEDGER OF ACCOUNTS PAID – Consider approval of check series 40456-40459 and 40471-40513 totaling \$171,493.12.**

Council Member Orgeron moved to approve check series 40456-40459 and 40471-40513 for \$171,493.12, and **Council Member Warner seconded** the motion. The vote was unanimous. **Motion Passed.**

PUBLIC HEARING:

2. **FINAL BUDGET FY 2016-2017 - Conduct Public Hearing regarding the Town of Quartzsite Final Budget for Fiscal Year 2016-2017.**

Mayor Foster moved to open the public hearing and **Council Member Orgeron seconded** the motion. The vote was unanimous. **Motion Passed.**

No one from the audience had any comment.

Mayor Foster moved to close the public hearing and **Council Member Orgeron seconded** the motion. The vote was unanimous. **Motion Passed.**

ADMINISTRATIVE ITEMS:

- 3. MINUTES – Consider approval of the minutes of the Special Town Council Meeting of July 5, 2016, and the Regular Meeting of July 12, 2016.**

Council Member Orgeron moved to approve the minutes of the Special Town Council Meeting of July 5, 2016, and the Regular Meeting of July 12, 2016, and **Council Member Warner seconded** the motion. The vote was unanimous. **Motion Passed.**

- 4. AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT (IGA) WITH ARIZONA DEPARTMENT OF REVENUE FOR SALES TAX COLLECTIONS – Review and consider approval of a modified IGA with the Arizona Department of Revenue for the administration, collection, audit, and licensing of transactions privilege taxes, use taxes, severance taxes, jet fuel excise and use taxes and rental occupancy taxes imposed by the State and the Town.**

Interim Town Manager Ferguson provided an overview of the modification. He noted that the State had proposed some changes in its processes, but it essentially did not increase any cost to the Town. He said the State collects sales taxes for the Town.

He explained one reason for the change was to help guide cities and towns in their roles in the process, and that most of the changes act to clarify procedures and rules, and virtually all are administrative.

Council Member Orgeron moved to approve the modified IGA with the Arizona Department of Revenue for taxes imposed by the State and the Town, and **Vice Mayor Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

- 5. SPECIAL EVENTS ORDINANCE – Review and discussion of a draft ordinance to amend Town Code Chapter 22 regarding regulation of Special Events in the Town.**

The Mayor noted this item was for discussion only.

Interim Town Manager Ferguson explained most communities that have any kind of special events require some kind of an ordinance to clarify the process that the special events coordinators and others involved need to follow. He said the proposed ordinance would help do that.

Town Attorney Goodwin said the purpose of the draft ordinance was to provide a process for the issue of special event permits and to list necessary information. She explained

that the ordinance is in draft form that is to be used as a basis from which to discuss the issues and make changes to improve it. She noted that the draft ordinance does require that an applicant provide applicable security measures; plans and other information; and adhere to noise level restrictions. She said the requirements are all intended to deal with some of the possible negative impacts of a special event.

The Mayor asked if insurance was part of the ordinance.

The Town Attorney said that the subject of insurance was not part of the ordinance, but that it was an excellent catch and should be added to the ordinance.

There was a discussion regarding types of insurance, and the types that should be required in the ordinance.

Town Attorney Goodwin said she would work with the Interim Town Manager, Jim Ferguson, to implement the changes, after Interim Town Manager Ferguson had an opportunity to have the insurance added to the Town's policy through the carrier.

There was a discussion of appropriate sales tax rates, collections, and reporting, and checking Arizona Transaction Privilege Tax numbers. The Town possibly opting to add an amusement tax to its tax code was discussed also.

The Mayor said staff was so directed.

6. TOWN PROSECUTOR REPORT – Discussion of possible direction from Council to staff to request a report from the Town Prosecutor regarding caseload and their outcomes.

The Mayor said the people of the Town as well as the Council, need to know, in a report from the Town Prosecutor, how many cases he processes, how much the services cost the Town, and the status of each case. The request is an effort to determine if the Prosecutor is performing the job he was hired to do, and if he is charging appropriate fees. The Council said they would look to the report to see if the Town Prosecutor is doing that for which he is charging the Town. The Mayor said, upon receiving the reports, the Council would make determinations.

The Mayor said the Council was remiss in not asking for regular case status reports from the Magistrate Court before now.

7. INTERIM TOWN MANAGER AS BANK SIGNER – Discussion and possible action to approve Interim Town Manager Jim Ferguson as the Primary Staff Designee for purposes of signing bank drafts and checks on behalf of the Town, per Resolution 13-08.

Council Member Orgeron moved to approve the Interim Town Manager, Mr. Jim Ferguson, as the Primary Staff Designee for the purpose of signing bank drafts, and **Vice Mayor Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

8. EXECUTIVE SESSION - An executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of possible appointment to the Common Council:

- **Applicant Shanana Rain Golden-Bear.**
- **Applicant Steve Schue.**
- **Applicant Patricia Workman.**

The Mayor asked Town Attorney Goodwin if the Council could give each of the three candidates a chance to introduce themselves in the open meeting before the executive session.

Town Attorney Goodwin said it could be done.

The Mayor said the candidates would be called in alphabetical order. He said each candidate would be permitted to speak for two minutes to let the people know why he or she wishes to represent them.

Shanana Rain Golden-Bear announced that she was there for a job interview. She said she had asked to answer any questions in public. She stated she hoped the Council would base their decision upon the qualifications of the candidates. She noted her attendance at many meetings; years of experience on boards and at open meeting law trainings; and her understanding of conflicts of interest. She further shared that she attends almost every community event, and is a tourist advocate. She said her twenty years of experience in marketing would help bring a positive light to the Council and to the Town of Quartzsite.

Applicant Steve Schue next approached the lectern. He said he appreciated the opportunity to speak to the Council and that he appreciates the Council Members. He spoke of his application and reviewed his experience. His experience included twenty years of accounting, management as a controller, ten years of industrial manufacturing and purchasing, and fourteen years in real estate sales and marketing. He spoke of his involvement in the community. He said he is the President of the Rotary and that he is trying to give back to the community. He noted he is also on the Board of Tourism and trying to bring more people to Quartzsite. Mr. Schue said he would like to unite strengths, resources, and bring everyone together, particularly communication wise.

Ms. Patricia Workman said she was on the Town Council in the past and served fourteen months. She explained that she had to step down because of a kidney problem. She said was doing well now.

The Mayor called for a motion to adjourn to Executive Session.

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

ADJOURNMENT TO EXECUTIVE SESSION: 7:32 p.m.

RETURN TO OPEN SESSION: 8:37 p.m.

The Mayor called the Regular Meeting back to order at 8:37 p.m.

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.

9. APPOINTMENT TO COUNCIL – Consider appointment of a Council Member to the Quartzsite Common Council to fill a vacancy created by the resignation of Mr. Norman Simpson (whose term expires in 2018) until the next regularly scheduled election – Fall 2018.

The Mayor explained why there would not be an election to fill the vacant Council seat. He said that the Arizona State Statutes set time limits, and the timing of Mr. Simpson's resignation was such that there was no time to have it be part of the election process. Because it could not be placed on the ballot, under A.R.S., it falls upon the Council to fill the position.

The Mayor said all the applicants were excellent and that it falls upon the Council to decide which applicant would work best with the other Council Members and help the Town of Quartzsite move forward.

Council Member Orgeron said Shanana Rain Golden-Bear presents with a lot of different ideas and creativity, which is what the Council needs sometimes. He said he and the Council want to look in different directions for alternate answers and ways. Council Member Orgeron said Shanana Rain Golden-Bear would be a true asset to the Council and the Town.

Council Member Warner spoke about Steve Schue as being very community-minded, having a good sense of humor and good ideas. She said she thought he would work well with everyone on the Council and would be an asset to the team because he has a good team attitude.

Vice Mayor Davidson spoke of Ms. Workman's experience on the Council, and said he thought she had done a good job as a member of the Council.

The Mayor said he would entertain a nomination for appointment to the Council. He said that if the nomination received a second, the Council would vote on the nomination by roll call vote.

Council Member Warner nominated Steve Schue as a Member of the Town Council, and **Council Member St. Germain seconded** the motion.

Roll Call Vote: Motion Failed (summary: Yes = 3, No = 3, Abstain = 0).

Yes: Council Member Warner, Council Member Orgeron, Council Member St. Germain.

No: Mayor Foster, Vice Mayor Davidson, Council Member Kelley.

Council Member Orgeron nominated Shanana Rain Golden-Bear, and **Council Member Kelley seconded** the motion.

Roll Call Vote: Motion Failed (summary: Yes = 2, No = 4, Abstain = 0).

Yes: Council Member Kelley, Council Member Orgeron.

No: Mayor Foster, Vice Mayor Davidson, Council Member Warner, Council Member St. Germain.

Vice Mayor Davidson nominated Pat Workman, and **Council Member Orgeron seconded** the motion.

Roll Call Vote: Motion Failed (summary: Yes = 2, No = 4, Abstain = 0).

Yes: Mayor Foster, Vice Mayor Davidson.

No: Council Member Kelley, Council Member Warner, Council Member Orgeron, Council Member St. Germain.

10. FUTURE AGENDA ITEMS – Direction to staff regarding future agenda items.

The Mayor directed staff to have the matter of changing the date of the second regular Council Meeting in August on the next agenda. He said the Council may want to move the meeting from Tuesday, August 23, 2016, to Monday, August 22, 2016, so that Council Members could attend the League of Arizona Cities and Towns Annual Convention.

COMMUNICATIONS:

Reports from the MAYOR on current events.

The Mayor said that there would be a meeting concerning the Town's Colorado River water rights at the convention. He said that a Member of the Municipal Utility Administrative Committee facilitated an introduction of the Town to a representative of CAP, Central Arizona Project, who expressed an interest in purchasing or leasing the Town's Colorado River water rights.

The Mayor said CAP proposed to finance a new well over near the Kofa well in exchange for leasing the Town's water rights. He said there was a question as to how long the lease would need to be to make it feasible because the cost estimate to create the well was 1.5 million dollars.

The Mayor said the CAP representative called to arrange a meeting at the convention because CAP is eager to discuss the project. Mayor Foster said the deal is not ready to

place before the Council for regular approval. He said the citizens of the Town should know that it is being considered. The Town Attorney will meet with the Mayor and the representative from CAP at the convention site in the hotel. CAP has had committee meetings and the next step is to discuss a proposal, and possibly negotiate a final proposal that would go to the Council for approval.

Reports from the COUNCIL on current events.

None.

Reports from the TOWN MANAGER to the Council.

Interim Town Manager Ferguson spoke of the process to get the new Chief on-board. Mr. Ferguson explained the process is taking place without any snags, but there is a lengthy review process that includes an extensive background check, which has not yet been completed.

Interim Town Manager Ferguson noted the other item the Council has had in process is the hiring of the next Town Manager. He explained that there are four candidates in the second review phase of the process. More information is needed about these four individuals, and they were asked to provide it by Friday, July 29, 2016, and so far, only one has been received.

A special meeting was set for Wednesday, August 3, 2016, at 1:30 p.m. to continue to the next step in the hiring process for a Town Manager.

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

ADJOURNMENT: 8:51 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of July 26, 2016, of the Town Council of Quartzsite, Arizona, held on July 26, 2016.

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

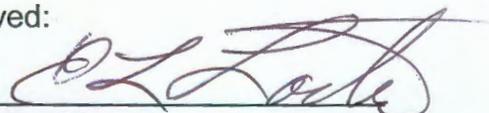
DATED this 9th day of August 2016



Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:


Ed Foster, Mayor