

**MINUTES**  
**TOWN OF QUARTZSITE**  
**REGULAR MEETING OF THE COMMON COUNCIL**  
**TUESDAY, SEPTEMBER 13, 2016, 7:00 PM**

**CALL TO ORDER:** 7:00 p.m.

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

**INVOCATION:** Given by Pastor Bruce Swart.

**PLEDGE OF ALLEGIANCE:** Led by Vice Mayor Davidson.

**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; Trish Stuhan, Town Attorney; and Tina Abriani, Town Clerk

**CALL TO THE PUBLIC AND COMMUNICATIONS FROM CITIZENS:**

Pam Caskey spoke about issues with the service of the local U.S. Post Office. She said that she and several other people were having difficulty receiving mail and packages. Ms. Caskey explained that she had called the state postal inspector, but nothing was resolved. She asked if the Town's lawyer could send a letter to the U.S. Postal Service.

The Mayor directed staff to provide Ms. Caskey with contact information for her federal congressman.

Shanana Rain BearCat informed everyone that a sub-committee of the Park and Recreation Board was established for the Halloween event to be held on Saturday, October 29, 2016. She said it would be similar to the event held last year. This year's event is planned to have games, food, free hot dogs, a costume contest, a parade and prizes for the children at 4:00 p.m. The trick or treat along the path, Pumpkin Path – as suggested by a Town youngster, is set to begin at 5:30 p.m. The Haunted House is scheduled to be opened at 6:00 p.m. Mrs. BearCat said the sub-committee was exploring the possibility of having a movie at the Community Center on Halloween, Monday, October 31, 2016. She said the Health and Development Services Board was working on the nominations for the Volunteer of the Year.

Shanana Rain BearCat announced, as the Marketing Director for the Quartzsite Area Chamber of Commerce and Tourism, that another mixer would be held at 6:00 p.m. on Wednesday, September 14, 2016, at the Mountain Quail Café.

**ANNOUNCEMENTS:** None.

**PROCLAMATIONS:**

**1. PROCLAMATION – National Preparedness Month September 2016.**

The Mayor read the National Preparedness Month proclamation aloud.

**ADMINISTRATIVE ITEMS:**

**2. LEDGER OF ACCOUNTS PAID – Consider approval of check series 40652 – 40661 and 40671-40729, totaling \$85,319.70.**

**Council Member Orgeron moved** to approve the Ledger of Accounts paid, check series 40652 – 40661 and 40671 – 40729, and **Vice Mayor Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

**3. MINUTES – Consider approval of the minutes of the Town Council Special Meeting of August 22, 2016, and the Regular Meeting of August 22, 2016.**

**Council Member Orgeron moved** to approve the minutes of the Town Council Special Meeting of August 22, 2016, and the Regular Meeting of August 22, 2016. **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

The Mayor announced that Agenda Item #7 would be held before Agenda Item #4.

**4. TOWN PROSECUTOR REPORT – Presentation, review and discussion of Town Prosecutor’s report.**

Interim Town Manager Ferguson said the Council had requested a report from Town Prosecutor Mr. Ward regarding a number of issues. Interim Town Manager Ferguson then referenced the submitted summary report and letter addressed to the Interim Town Manager by Mr. Ward, copies of which were before the Council.

Interim Town Manager Ferguson asked the Council if they would like a presentation from Mr. Ward at a future Council meeting.

Council Member Orgeron said he did not believe that a presentation was necessary.

Interim Town Manager Ferguson read some of the statistics listed in the report for the period outlined in the report.

**Number of Cases:**

- There were 14 Pretrial Conferences scheduled.
- Nine defendants were represented by the Public Defender.
- Three of the defendants were not represented by counsel.
- One defendant was represented by private counsel.

- There was one trial scheduled.

Disposition of Cases:

- Four cases were dismissed.
- Four defendants entered into a plea agreement.
- Two cases were continued to another Pretrial Conference.
- Three defendants failed to appear and warrants were entered for their arrest.

Interim Town Manager Ferguson said the figures would vary throughout the year.

The Mayor asked how many times the Town Prosecutor actually appears in the Town's Magistrate Court, or anywhere as the prosecutor of the mentioned cases.

Council Member Warner asked if Mr. Ward had other associates.

Council Member Orgeron asked how many billable hours there were, and how many there are yearly.

Interim Town Manager Ferguson said if the Council would like the report in a different kind of format, Mr. Ward could probably get that for the Council.

The Mayor said he would like some more clarification of the report.

Council Member Warner asked if the Council was to expect the report from Mr. Ward at least quarterly.

Interim Town Manager Ferguson said Mr. Ward would be providing a quarterly report in the future.

**5. CAMEL EXPRESS PROGRESS REPORT – Consider and discuss the progress report on the Camel Express Transit System as provided by Janet Collier, Transit Manager.**

Janet Collier, Transit Manager, said she was open to new input. She said there had been no big increase in ridership. She said there were three new riders in the month of July and ten in August. She said there was an increase in usage, and she read some statistics. She said the WACOG ticket program was working well in conjunction with the new fare structure.

The Mayor asked how the interface was working with Camel Express and the other transit systems with which the Town networks.

Mrs. Collier said there were not many problems with Yuma. She said there had not yet been a need to work with Lake Havasu City. She said that the Town of Parker's transit system requires a twenty-four notice for Quartzsite's people to be moved within Parker's transit system. She explained that the most difficulty was with Blythe because the Town's riders are not used to Blythe's system.

The Mayor asked if there were schedules for the Camel Express riders to use that listed other transit systems. Janet Collier said that there were copies in the buses and available at Town Hall.

Council Member Kelley asked about hospital to home services. Mrs. Collier said there had been approximately six so far this year.

There was discussion of hospital transportation, including coming home from the hospital.

The Mayor asked if the hospital could tell the patients, when it is time for each to go home, that a public ride could be arranged for them. Mrs. Collier said she did not know.

The Mayor said the ER's personnel should be aware that they could call Quartzsite's Camel Express for a ride home.

Janet Collier said she would bring some business cards and bus schedules to the hospital's emergency room.

**6. HI JOLLY CEMETERY BOARD MEMBER - HI JOLLY CEMETERY BOARD MEMBER - Consider the appointment of Mr. Gary McBroom to the Hi Jolly Cemetery Board to fill the vacancy from Mrs. Terry Frausto's resignation.**

Mr. Gary McBroom stood at the lectern and introduced himself.

Council Member Warner asked Mr. McBroom if he had been on a similar board before. Mr. McBroom replied that he had not been on one like the Cemetery Board.

**Council Orgeron moved** to appoint Gary McBroom to the Hi Jolly Cemetery Board with a term to expire December 2018, and **Vice Mayor Davidson seconded**. The vote was unanimous. Motion Passed.

The Council thanked Mr. McBroom. Mr. McBroom replied, "That's what we are here for."

**7. CANVASS OF VOTES - Canvass of Votes of the August 30, 2016 Primary Election and possible adoption of.**

The business of Agenda Item #7 was discussed immediately before Agenda Item #4, per the Mayor's direction.

The Mayor said the resolution approves the results of the election as recorded by La Paz County.

**Council Member Orgeron moved** to adopt Resolution No. 16-08 Declaring and Adopting the Results of the Primary Election held on August 30, 2016, and **Vice Mayor Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

**8. MAYORAL VOTE RECOUNT - Consideration, discussion and possible approval of a Certificate of Facts Requiring a Recount.**

The Mayor explained that one part of an Arizona State election law declares a recount necessary if there is a tenth of one percent separating the contestants, and another part of the same law requires a recount if there is less than ten votes separating the contestants. He noted that the two parts are in conflict with one another.

Mayor Ed Foster said it would be an expense to the Town to have a recount.

Mayor Ed Foster stated, "At this time, I am going to concede to Ms. Christina Anastasia, as the second place winner in the election, in order to save the Town the expense and all of the discussion."

Council Member St. Germain stated he would like to concede from the Mayoral election and let it go so that the Town does not need a recount.

The Mayor announced that no recount is necessary, and Mr. Simpson and Ms. Anastasia are both deemed to be nominated for Mayor.

The Mayor directed everyone to return to Agenda Item #4.

**9. EXECUTIVE SESSION**

- **An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding the automatic recount statutes, ARS Section 16-661 et seq.**
- **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).**
- **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 the Town's position regarding a contract with James Ferguson as Town Manager.**

**Vice Mayor Davidson moved to retire to Executive Session as read, and Council Member Warner seconded the motion. The vote was unanimous. Motion Passed.**

**ADJOURN TO EXECUTIVE SESSION: 7:31 p.m.**

**RETURN TO OPEN SESSION: 8:00 p.m.**

The Mayor called the open session back to order at 8:00 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.

- 10. INTERIM TOWN MANAGER EMPLOYMENT CONTRACT - Consideration and possible concurrence on an employment contract with James Ferguson as the Quartzsite Town Manager.**

**Vice Mayor Davidson moved** to approve the contract with Jim Ferguson, and **Council Member Warner seconded** the motion. The vote was unanimous. **Motion Passed.**

- 11. FUTURE AGENDA ITEMS – Direction to staff regarding future agenda items.**

None.

## **COMMUNICATIONS:**

- 12. Reports from the MAYOR on current events.**

The Mayor introduced the new Police Chief Mr. William Ponce and welcomed him aboard.

Chief Ponce said he was looking forward to the challenge and said thank you to the Council for giving him the opportunity.

The Mayor presented Certificates of Election to Starr BearCat, who was in attendance, and to Jerald Kinkade in absentia.

The Mayor announced that he had the Certificates of Nomination for Christina Anastasia and Norm Simpson, Norm Simpson stepped forward to receive his Certificate. Christina Anastasia was not in the audience.

Mayor Foster said he had attended a meeting of the Risk Pool Board. He said that at the meeting he learned that Mr. Ferguson is a Rock Star with the Risk Pool. The Mayor said that the Board Members went to Mr. Ferguson to introduce themselves. Mayor Foster said there was every hope that the Town of Quartzsite would get back into the Risk Pool.

- 13. Reports from the COUNCIL on current events.**

Council Member Kelley said she held a showcase at the League Convention again this year with a fantastic turnout. She said she gave out 500 humpies, plus passports and collected business cards. Council Member Kelley said Mr. Ferguson would have staff send out letters to the business card holders. She said she could not have done it without the help of the Chamber, Rain, Monica Timberlake, Deputy Town Clerk Miguel Castellanos, and Council Member Warner.

Council Member Kelley said Miguel was priceless. She said Miguel was already working on what you were just about to ask him to do before it was out of your mouth.

Council Member Kelley said having the showcase there was well worth it.

Council Member Warner said the League Convention was better attended than in the past. She said the classes she attended were in finance and she did learn from them. Council Member Warner shared the perceptions of Quartzsite throughout the state with the audience. She said was proud to be there and to be able to say she was from Quartzsite.

**14. Reports from the INTERIM TOWN MANAGER to the Council.**

Mr. Ferguson reported that he would like to attend the WACOG Executive Board Meetings regularly, as well those of the La Paz Economic Development Corporation, to represent the community's interests. He said there would be a WACOG meeting on September 20, 2016 that he would attend.

The Town Manager shared with the Townspeople that the Council received a letter about Town Attorney Susan Goodwin. He read that Fred Rosenfeld and Susan Goodwin of the Town Attorney's firm, Gust and Rosenfeld P.L.C., were included in the 2017 Edition of Best Lawyers in America for their work in the area of municipal law.

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

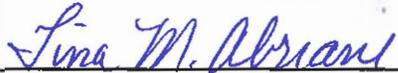
**ADJOURNMENT:** 8:10 p.m.

**CERTIFICATION:**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of September 13, 2016, of the Town Council of Quartzsite, Arizona, held on September 13, 2016.

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

DATED this 27<sup>th</sup> day of September 2016

  
\_\_\_\_\_  
Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:   
\_\_\_\_\_  
Ed Foster, Mayor