

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY, APRIL 14, 2015
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, April 14, 2015.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Linda Hatch; Councilmember Pat McKee; Councilmember Lon Turner

Absent: Councilmember Don Wojcik

Staff Present: Town Manager Robert Smith; Assistant Town Manager Cecilia Gritman; Town Attorney Phyllis Smiley; Human Resources Director Laura Kyriakakis; Police Lieutenant Vince Schaan; Police Officer Doug Garrett; Town Engineer/Public Works Director Ron Gritman; Development Services Director Ruth Mayday; Deputy Town Clerk Liz Hart; Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL

Vice-Mayor Croft called the meeting to order at 6:01 p.m.

Councilmember Best gave the invocation; Vice-Mayor Croft led the Pledge of Allegiance.

(Mayor Marley participated via conference phone.)

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Proclamation declaring April 21, 2015 as "PowerTalk 21® Day," sponsored by Mothers Against Drunk Driving Arizona. (Mayor Chris Marley)

Vice-Mayor Croft read the proclamation.

- b)** Consideration and possible action to declare April 2015 "Fair Housing Month." (Cecilia Gritman, Assistant Town Manager)

Vice-Mayor Croft read the proclamation.

3) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

Craig Brown, Yavapai County Supervisor, spoke about the upcoming Route 66 Anniversary Fun Run and the recent Chino Valley Chamber's Casino Night.

Scott Freitag, Fire Chief, Chino Valley Fire District and Central Yavapai Fire District, spoke about a reduction in staff in Chino Valley, due to the impacts of the recession, new property valuation rules, and public safety retirement increases.

Melvin Morris, county resident and business owner, spoke about an incident with two Town public works employees. Vice-Mayor Croft asked Mr. Morris to contact the town manager and the town manager to give a report at a future meeting.

4) RESPONSE TO THE PUBLIC

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

(Responses to comments made on March 24, 2015 will be on the April 28, 2015 agenda.)

5) CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

a) Status reports by Mayor and Council regarding current events.

Councilmember Hatch reported that the Town's EDA grant application was under consideration this week.

Councilmember Best apologized for making an inappropriate comment during the last meeting.

Vice-Mayor Croft reported on the upcoming Spring Citizen's Academy.

b) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.

There was none.

6) CONSENT AGENDA

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

Council set down item 6a.

MOVED by Councilmember Mike Best, seconded by Councilmember Linda Hatch to accept Consent Agenda items b, c, d, e and f.

Vote: 6 - 0 PASSED

- a) Consideration and possible action to accept the March 24, 2015 regular meeting minutes. (Jami Lewis, Town Clerk)

Councilmember Hatch noted that references to Judge Walker's "resignation" under item 7d should be replaced by "retirement."

MOVED by Councilmember Linda Hatch, seconded by Councilmember Mike Best to approve item 6a with the changes.

Vote: 6 - 0 PASSED

- b) Consideration and possible action to accept the March 26, 2015 special meeting minutes. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to accept the March 26, 2015 study session meeting minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to appoint Laura Kyriakakis, Human Resources Director as the Town's voting member on the Yavapai Combined Trust Board and appoint Cecilia Gritman, Assistant Town Manager as the alternate voting member on the Yavapai Combined Trust Board. (Laura Kyriakakis, Human Resources Director)

Recommended Action: Appoint Laura Kyriakakis, Human Resources Director, as the Town's voting member on the Yavapai Combined Trust Board and appoint Cecilia Gritman, Assistant Town Manager, as the alternate voting member on the Yavapai Combined Trust Board.

- e) Consideration and possible action to approve Financial Report for the month ended February 28, 2015. (Joe Duffy, Finance Director)

Recommended action: Approve Financial Report for the eight months ended February 28, 2015.

- f) Consideration and possible action to authorize the Mayor and the Police Chief to sign individual letters of support for a regional Assistance to Firefighters Grant (AFAG). (Ruth Mayday, Development Services Director)

Recommended Action: Authorize the Mayor and the Chief of Police to sign individual letters of support.

7) ACTION ITEMS

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Consideration and possible action to approve Agreement for Interim Presiding Magistrate Services with Catherine J. Kelley, in the amount of \$5,000 per month for 90 days. Funds to come from the Municipal Courts Budget. (Phyllis Smiley, Town Attorney)

Recommended Action: Approve Agreement for Interim Presiding Magistrate Services with Catherine J. Kelley.

Ms. Smiley reported that:

- Due to the retirement of Town Presiding Magistrate John Walker, effective March 27, 2015, the Town must appoint an interim presiding magistrate to continue court operations while the Town conducted a recruitment process or contracts with another court to provide court services for the Town.
- At its Study Session on March 26, 2015, Council directed staff to prepare an agreement with Catherine J. Kelley for Interim Presiding Judge services, effective March 28, 2015, for a term of 90 days at a salary of \$15,000 for the term of the agreement.

MOVED by Councilmember Mike Best, seconded by Councilmember Pat McKee to approve agreement for Interim Presiding Magistrate Services with Catherine J. Kelley.

Vote: 6 - 0 PASSED

- b) Consideration and possible action to establish a procedure for addressing Code of Ethics violations and to provide direction to Staff to prepare an ordinance to be approved by Council that will incorporate the Council's recommendations into the Town Code. (Mayor Chris Marley)

Recommended Action: Establish procedure and potential penalties to address Code of Ethics Violations and direct staff to prepare an ordinance to amend the Town Code to incorporate the procedures.

Town Attorney Smiley reported that:

- Currently the Town Code provided that complaints of alleged violations of the Town's Code of Ethics were to be submitted in writing to the mayor, vice mayor or town attorney, depending on the circumstances, and that Council must address such complaints within 60 days of being submitted. There were no provisions outlining what happened to a complaint between the time it was received and the Council meeting.
- In light of the confusion over how to address the complaint recently received, Mayor Marley proposed a procedure to follow. The town attorney reviewed the procedure and made further recommendations for Council's consideration.
- Council considered this item on March 24, 2015 and voted to waive and disclose attorney-client privilege documents and postpone the item until the next meeting when such documents were made public. One document that was attorney-client privileged had been made public.

Councilmember Hatch stated that she did not believe the procedure should include the town attorney, as the attorney answered to the whole Council and could find herself in a conflict of interest situation. She researched other options and found that other towns used separate counsel or an impartial hearing officer, and Peoria included an "ethics test" in their Code of Ethics. She proposed removing the town attorney from the procedure, and including an impartial person and Peoria's "ethics test."

Town Attorney Smiley reported that she reviewed other cities and towns in outlining the procedure, and many municipalities did prefer an outside hearing officer. However, any outside

recommendations were not binding; it was still up to the Council to determine whether or not there was a code violation and any penalty.

MOVED by Mayor Chris Marley, seconded by Councilmember Mike Best to accept those amendments as put forth in the packet on page 58.

Vote: 4 - 2 PASSED

NAY: Councilmember Linda Hatch
Councilmember Pat McKee

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

MOVED by Councilmember Mike Best, seconded by Councilmember Lon Turner to go into executive session at 6:40 p.m.

Vote: 6 - 0 PASSED

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town's Attorney in order to consider its position and instruct the Town's Attorney regarding the Town's position on a contract that is the subject of negotiations concerning acquisition of a portion of the City of Prescott Water System. (Bill Staudenmaier, Water Attorney)

9) ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

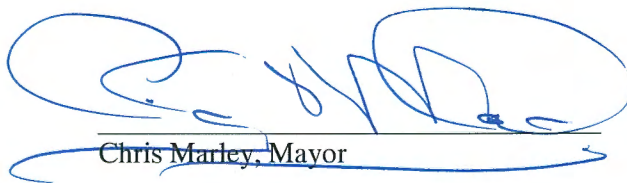
Vice-Mayor Croft reconvened the regular session at 7:12 p.m.

(Mayor Marley left the meeting during the executive session.)

10) ADJOURNMENT

MOVED by Councilmember Mike Best, seconded by Vice-Mayor Darryl Croft to adjourn the meeting at 7:13 p.m.

Vote: 5 - 0 PASSED



Chris Marley, Mayor

ATTEST:

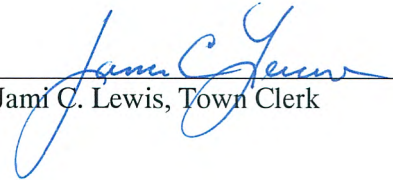


Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 14th day of April, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of May, 2015.



Jami C. Lewis, Town Clerk