

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

TUESDAY, JUNE 14, 2011

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, June 14, 2011.

Mayor Bunker called the meeting to order at 6:00 p.m.

Council Present: Mayor Jim Bunker, Vice-Mayor Ron Romley, and Councilmembers Joel Baker, Dean Echols, Linda Hatch, Gloria Moore, and Carl Tenney.

Council-Elect Present: Mayor Chris Marley, Vice-Mayor Carl Tenney, and Councilmembers Mike Best, Darryl Croft, Dean Echols, Linda Hatch, and Lon Turner.

Staff Present: Town Manager Michael Scannell, General Services Director Cecilia Watts Town Attorney Tom Kack, Finance Director Vera Smith, Police Commanders Mark Garcia and Chuck Wynn, Development Services Director Pat Clingman, Town Engineer/Public Works Director Ron Gritman, and Town Clerk Jami Lewis (recorder).

Councilmember Echols gave the invocation and Councilmember Baker led the pledge of allegiance.

1.1) Presentation of Certificates of Election to qualified candidates.

Town Clerk Jami Lewis presented Certificates of Election to Chris Marley, Mike Best, Darryl Croft, and Lon Turner.

1.2) Administration of Oath of Office to Mayor-Elect Chris Marley and Council-members-Elect Mike Best, Darryl Croft, and Lon Turner.

Town Clerk Jami Lewis administered the Oath of Office to the Mayor-Elect Chris Marley and Councilmembers-Elect Mike Best, Darryl Croft, and Lon Turner, followed by a Roll Call of the new Council.

1.3) Recognition of Jim Bunker, Joel Baker, Gloria Moore, and Ron Romley for their service to the Town on the Town Council.

Jim Bunker, Joel Baker, Gloria Moore and Ron Romley shared parting words and thanked Council for past support.

Arizona House Legislative Representative Karen Fann spoke about honoring the outgoing council and congratulated new councilmembers.

Mike Flannery, former Town of Prescott Valley councilmember, also spoke to outgoing councilmembers and congratulated the new council.

Mayor Marley recessed the meeting for a brief reception to honor the outgoing and new mayor and councilmembers.

2) **Introductions, Presentations and Proclamations**

2a) **Opening remarks** by Mayor Marley and newly elected Councilmembers.

Mayor Marley spoke about the economic challenges facing the Town and the importance of encouragement, input, and willingness of the community to participate in local government in order to get back on a healthy economic footing.

Councilmember Best spoke about his responsibility toward the community as a whole.

Councilmember Croft encouraged the community to bring problems or issues to the Council.

Councilmember Turner spoke about community involvement in committees, development, and operations as the most important part of the process.

2b) Introduction of **Eagle Scout** Jonathan Argyle by Chino Valley Elk's Lodge members.

Elks Lodge Member Lou Ann Nietzsche introduced Eagle Scout Jonathan Argyle who spoke about his project to build a historical/agricultural museum.

2c) **Chamber Update** by Ab Jackson, Chief Executive Officer, Chino Valley Area Chamber of Commerce.

Mr. Jackson reported on "Talk of the Town" radio broadcast on KQNA, Chamber mixers, the Chamber scholarship, the June Business of the Month, casino night fundraiser and Springfest. He recognized Ron Romley for his service on the Chamber of Commerce Board of Directors for two years and announced that the Chamber Board had requested that Darryl Croft serve in Ron Romley's place.

3) **Call to the Public**

John Sheeley, resident and Legionnaire for 32 years, spoke about flag desecration that had occurred to the flags placed along Highway 89 for Flag Day and asked residents and Council to report such acts to the police department.

4) **Mayor/Council/Manager Report**

Councilmember Tenney spoke about Flag Day and the birthday of the Army.

Consent Agenda

Council set down items 6 and 7.

5) Consideration and possible action to approve a one-time allotment of 16 hours of **personal holiday time** to full-time employees and 8 hours of personal holiday time for half-time employees for fiscal year 2011/2012 only.

Councilmember Tenney MOVED, seconded by Councilmember Hatch, to approve a one-time allotment of 16 hours of personal holiday time to full-time employees and 8 hours of personal holiday time for half-time employees for fiscal year 2011/2012 only. The motion PASSED unanimously 7-0.

6) Consideration and possible action to approve Memorandum of Understanding between the Town of Chino Valley and **Yavapai County Sheriff's Office** regarding dispatch services for the Chino

Valley Police Department, for the annual amount of \$136,780.77, with a 2.5% annual adjusted increase and a one-time cost of \$9,100 for software enhancements. Funds to come from Professional Services expenditure line in the Dispatch Department's fiscal year 2011/2012 budget.

Councilmember Hatch asked if the agreement had been reviewed by the Town's attorneys. Town Attorney Tom Kack related that the agreement had been reviewed.

Town Manager Michael Scannell explained that inhouse dispatch costs exceeded \$300,000 per year and the Town was saving money by outsourcing it. This action will benefit both organizations, in that three Town dispatchers will move to the Yavapai County Sheriff's Office and others for various positions within the police department.

Lillian Morales, resident, asked how dispatch being in a different location would impact the safety of Chino Valley residents. Mr. Scannell explained there would be no reduction in service or safety, as it was not uncommon for dispatch to be done from remote locations.

Councilmember Tenney MOVED, seconded by Councilmember Echols, to approve Memorandum of Understanding between the Town of Chino Valley and Yavapai County Sheriff's Office regarding dispatch services for the Chino Valley Police Department, for the annual amount of \$136,780.77, with a 2.5% annual adjusted increase and a one-time cost of \$9,100 for software enhancements. Funds to come from Professional Services expenditure line in the Dispatch Department's fiscal year 2011/2012 budget. The motion PASSED unanimously 7-0.

- 7) Consideration and possible action to approve annual Intergovernmental Agreement (IGA) between the Town of Chino Valley and **Yavapai County** for emergency management services; and authorize payment of the annual dues of \$4,651.00. Funds to come from non-departmental fund line item for Yavapai County Emergency Management IGA for Fiscal Year 2011/2012.

Councilmember Hatch asked about the actual total cost at a rate of \$0.43 per person for annual dues and whether it had been recalculated for the new census. Town Manager Michael Scannell replied that the Town's census count was 10,817 and the annual dues were not equal to \$0.43 per person.

Councilmember Hatch pointed out an error in the Mayor's signature line. Town Clerk Jami Lewis indicated that the error had been corrected and Town Manager Scannell stated that the agenda item was correct.

Councilmember Tenney MOVED, seconded by Councilmember Hatch, to approve annual Intergovernmental Agreement (IGA) between the Town of Chino Valley and Yavapai County for emergency management services; and authorize payment of the annual dues of \$4,651.31. Funds to come from non-departmental fund line item for Yavapai County Emergency Management IGA for Fiscal Year 2011/2012. The motion PASSED unanimously 7-0.

Action Items

- 8) Consideration and possible action to nominate and elect a Councilmember to serve as **Vice-Mayor** from June 2011 through June 2013.

Town Clerk Jami Lewis reported that per the Town Code, at the first regular meeting in June following an election, the Vice-Mayor be selected by a nomination of the newly elected Mayor and approval by the majority of the Council.

Mayor Marley nominated Councilmember Tenney to serve as Vice-Mayor.

Mayor Marley MOVED, seconded by Councilmember Hatch, to nominate Councilmember Tenney to serve as Vice-Mayor from June 2011 through May 2013. The motion PASSED unanimously 7-0.

- 9) Consideration and possible action to adopt **Resolution No. 11-960**, for adoption of the proposed annual statements and estimates of the expenses of the Chino Valley **Street Lighting Improvement Districts**, located in Bright Star Subdivision, for fiscal year 2011/2012, which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in each district, pursuant to Section 48-616, Arizona Revised Statutes, as amended; and setting a date for public hearing on said statements and estimates.

Finance Director Vera Smith presented an overview of the three Chino Valley Street Lighting Improvement Districts (SLID):

- The Town's three SLIDs, located in the Bright Star Subdivision, were established to pay for energy costs of streetlights, not the cost of the streetlights themselves. The Town could not capture expenses incurred in doing these calculations as an indirect cost.
- APS was responsible for maintenance and replacement of light bulbs.
- Estimated assessments were determined by secondary net assessed values for 2010 and 2011 which had decreased, but increased costs had increased in less net averages to share costs.
- Council was required annually to adopt a proposed budget for the three SLIDs, as well as set a public hearing date.

Town Manager Michael Scannell stated that some states had property tax administration fees to capture expenses incurred in doing calculations and the Town might want to lobby for legislation to allow this.

Councilmember Croft asked how many houses were in each SLID. Ms. Smith replied that she did not have that information, but she could obtain it.

Charlie Arnold, Director of Operations for Bright Star Subdivision, said the development company paid for the formation of the SLID as a more equitable method to cover costs.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to adopt Resolution No. 11-960, for adoption of the proposed annual statements and estimates of the expenses of the Chino Valley Street Lighting Improvement Districts for fiscal year 2011/2012, which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in each district, pursuant to Section 48- 616, Arizona Revised Statutes, as amended; and setting a date of July 12, 2011, for public hearing on said statements and estimates. The motion PASSED unanimously 7-0.

- 10) Consideration and possible action to make appointments to **Council Committees**.

Town Clerk Jami Lewis reported that in 2001, the Council established several committees, each consisting of three of its members and applicable Town staff, and in some cases, outside entity representatives. In 2004, some of these committees and their purposes were formalized by resolution. With new Councilmembers on board, it was necessary to adjust the committee members, as well as possibly modify, discontinue, or add new committees as needed. The current committees were:

- Appointments Committee – Established in 2001 to recommend candidates for appointment to Town public bodies. Meets when openings occur to review applications, conduct interviews, and make recommendation to Council for appointment.
- Finance Committee – Established in 2001 to review financial matters coming before the Council, such as to review proposals for auditing services and banking services, or conduct research on other budgetary or financial matters.
- Economic Development Committee – Established in 2001 to conduct research with regard to economic development. Although it has not met since the Mayor's Ad Hoc Economic Development Committee was formed in 2008, Council opted to retain the committee, as it could be used to filter recommendations from the ad hoc committee related to expenditures or projects, such as the General Plan update, or to provide communication between the ad hoc committee and Council.
- Public Safety Committee (originally called Public Safety and Traffic Control) – Established in 2001 and made formal in 2004 by Resolution No.04-697 to quickly address issues of public safety and traffic control that impact safety in Chino Valley, such as review of citizen concerns for school crossings, traffic control devices, street conditions, speed limit zones, improved signage, community policing strategies, crime prevention strategies, update information on crime trends, and police programs. When the Roads and Streets Advisory Board was established in 2009, it took on some of these items.
- Transportation and Roads Committee – Established in 2001 and made formal in 2004 by Resolution No.04-696 to provide planning for transportation needs of the General Plan, transportation improvements, and new roads; provide direction for reports to include inventory of road conditions for future budgeting purposes, direct reports to provide State and Federal departments the status of Town roadways, and review staff requests for State grant funding for Roads and Transportation needs. This committee's last action was to establish the objectives and guidelines for the new Roads and Streets Advisory Board, which took over the duties of the Council committee.
- Water and Utilities (originally called Utilities) – Established in 2001 and made formal in 2004 by Resolution No.04-699 to provide direction and review reports on utilities impacting the Town, negotiate utility franchise agreements as they come due, provide review and proposals for resource acquisitions to include private water companies and wells, and plan for future waste water system needs.

Mayor Marley recommended the following committee appointments:

- Appointments Committee: Linda Hatch (Chair), Lon Turner, and Carl Tenney.
- Finance Committee: Carl Tenney (Chair), Linda Hatch, and Chris Marley.
- Economic Development Committee: Dean Echols (Chair), Mike Best, and Darryl Croft.
- Public Safety Committee: Mike Best (Chair), Dean Echols, and Darryl Croft.
- Transportation and Roads Committee: Darryl Croft (Chair), Dean Echols, and Carl Tenney.
- Water and Utilities Committee: Lon Turner (Chair), Chris Marley and Linda Hatch.

Councilmember Croft MOVED, seconded by Councilmember Echols, to make appointments to Council Committees per Council discussion. The motion PASSED unanimously 7-0.

- 11) Discussion and possible action to continue the Town's participation in the **Greater Arizona Mayors Association** (GAMA) and to appoint Mayor Marley to represent the Town's interests therein.

Council expressed some concern about obligating the Town to possible expenses associated with participation in this organization, although, its present position was that there would be no expenses and

no money would be spent without further review. Councilmember Hatch suggested adding verbiage to state those facts.

Town Manager Scannell gave a brief history on GAMA's formation and explained that if Council appointed Mayor Marley, he could bring Council's comments to the group, but he could not bind the Council.

Vice-Mayor Tenney MOVED, seconded by Councilmember Baker, to continue the Town's participation in the Greater Arizona Mayors Association (GAMA) and appointed Mayor Marley to represent the Town's interests therein. The motion PASSED unanimously 7-0.

12) Review of the Open Meeting Law by the Town Attorney as it pertains to executive sessions.

Town Attorney Tom Kack presented a brief overview of the Open Meeting Law as it related to executive sessions:

- Public meetings would require an agenda item available to the public 24 hours in advance of meeting. Notice of Executive Session was required to include only a general description of the matters to be considered.
- Executive session discussions were confidential and subject to sanctions.
- Reasons for executive session included: Discussion or consideration of employment matters of employees; discussion or legal advice with attorneys of public body; and discussion regarding contracts, impending litigation, or settlement discussions.

13) Council may vote to hold an Executive Session pursuant to A.R.S. §38- 431.03(A)(3) and (A) (4) to obtain legal advice and to consider its position on issues regarding pending EEOC (Equal Employment Opportunity Commission) Notice of Charge matters and instruct its attorneys regarding the same.

Vice-Mayor Tenney, MOVED, seconded by Councilmember Hatch, to go into executive session. The motion PASSED unanimously 7-0 at 8:02 p.m.

Mayor Marley reconvened the regular meeting at 9:36 p.m. and reported that Council took no action on item 13.

14) Council may vote to hold an Executive Session pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) to obtain legal advice and consider its position and instruct its attorneys regarding issues on water transportation/pipeline taxes due to the Town from the City of Prescott and negotiations to settle issues regarding the same.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to go into executive session. The motion PASSED unanimously 7-0 at 9:35 p.m.

Mayor Marley reconvened the regular meeting at 10:18 p.m. and reported that Council took no action on item 14.

15) ADJOURNMENT.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to adjourn the meeting. The motion PASSED unanimously 7-0 at 10:18 p.m.

Mayor 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 June, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this DAY day of MONTH, 2011.

Jami C. Lewis, Town Clerk