

**MINUTES OF THE
OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY
TUESDAY, APRIL 23, 2024
5:00 PM
COUNCIL CHAMBERS | 202 N. STATE ROUTE 89 | CHINO VALLEY,
ARIZONA 86323**



TOWN COUNCIL NOTICE & AGENDA

**STUDY SESSION
TUESDAY, APRIL 23, 2024
5:00 PM**

COUNCIL CHAMBERS | 202 N. STATE ROUTE 89 | CHINO VALLEY, ARIZONA 86323

AGENDA

1. CALL TO ORDER; ROLL CALL

Mayor Miller called the meeting to order at 5:04 p.m.

Present: Mayor Jack Miller, Vice-Mayor Tom Armstrong, Councilmember Annie Perkins, Councilmember Eric Granillo - remote, Councilmember Sherri Phillips, Councilmember Robert Schacherer

Absent: John McCafferty

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire; Assistant to the Town Manager Terri Denemy; Human Services Director Laura Kyriakakis; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

2. Discussion regarding Council Rules of Procedure and Code of Conduct.

Sara Burchill, Deputy Town Clerk, presented the following:

- Mayor Miller had requested that this document be reviewed and updated.
 - The last amendment was done nine years ago and it was only a slight addition to a single section, so the document was likely much older than that.
- Staff's goal with the document was to create an expanded version that would be more helpful to the Council and new, incoming councilmembers.
- Changes to the document started with edits to anything that was irrelevant or outdated and reorganizing the document to help with flow.
- Staff also wanted to make the document a one-stop shop for councilmembers to find anything regarding their role as elected officials so Town Code verbiage was also added.

- Staff then researched other municipalities to see where they could add more focus or detail.
- Section 2 was titled Code of Ethics and was added directly from Town Code §35.02 and §35.04.
- Section 3 was added to expand and clarify the mayor/manager form of government.
- Section 7 regarding Open Meeting Law was added as this was always an important topic for councilmembers to remember.
- Section 2 was originally titled "Conflict of Interest" but those details were included in the Town Code of Ethics.
- Section 12 was removed as it dealt with the submission of petitions which is an administrative procedure.
- Section 13.B could mostly be found in the Call to the Public language on agendas and didn't seem relevant to rules pertaining to the Council.
- Section 13.D referred to public comment at study sessions which was an authority of the mayor and did not seem necessary for this document.
- Section 14 referred to making sure Town Code was followed in the creation of a committee, board, or commission which is an administrative task.
- Staff clarified and expanded Section 4 (Overview of Roles and Responsibilities) of the document by including language from Town Code.
- Staff clarified deadlines for agenda item submission in Section 6.
- Ultimately the adoption of this document was up to the Council.

Council and staff discussed the following:

- One councilmember expressed dissatisfaction at the proposed direction under Section 3 that Council' questions or requests for additional information should be directed to the Town Manager only and felt that they should be able to call department heads with questions they may have.
 - Staff stated that if the Council wanted to remove that item they could discuss that.
 - Discussion ensued regarding the structure and parameters of the mayor/manager form of government.
 - Andrew McGuire, Town Attorney, stated that this was the fundamental structure of the mayor/manager form of government for the reason that while a councilmember may see their request as just a question, staff might perceive it as direction. The Council cannot give direction other than the seven members (or otherwise a quorum) acting in a public meeting. By directing questions and requests through the Town Manager the Manager could then provide the direction to the staff member, and ensure that all of the Council received the same information. When councilmembers had one-on-one interaction with staff members the Manager could not then report back to everyone else to make sure that all councilmembers had the same information. This would lend to transparency for the entire Council to be involved in discussions that direct staff to do various tasks. This was also a safeguard against staff potentially lying to Council or the Town Manager. This was a fairly common procedure.
 - The councilmember responded that if four of the councilmembers wanted to change that rule that they could.
 - Mr. McGuire stated that they can change the rule to say whatever they want, but they still had to collectively direct action through the Town Manager as they did not have the authority individually to direct staff because staff don't

report to Council.

- The councilmember responded that he wasn't giving direction and would grab someone off the street, have them call the department head, and ask them the questions he had without going through procedure.
- Mr. McGuire stated that one of the burdens of being on Council was to act collectively as a body.
- Mr. McGuire stated that he wanted clarification from the Council regarding using Robert's Rules as their Rules of Order. He felt that Robert's Rules were not appropriate for this body as they included things such as "standing for the order of the day." He recommended that Robert's Rules be used as the fallback, but use a more abbreviated/informal version for regular proceedings. Mr. McGuire felt that Robert's Rules did not allow for the public to interact with Council the way Council liked to, etc. Mr. McGuire stated that the Council would be provided with a red-lined document so Council could see the changes that were made.
 - Council agreed with that proposal.
- Mr. McGuire also wanted to talk about Section 14 regarding Amendment. This was referring to a super majority 2/3 requirement to amend the rules. If the majority wanted to amend the rules, they should be able to. He felt this provision was meant to say that during a meeting if the Council wanted to suspend the rules for some reason, that it would take a vote of Council or at least affirmation. For instance this might apply to not enforcing the 30 minute rule for public comment.
 - Council agreed with that proposal as well.

3. ADJOURNMENT

Mayor Miller adjourned the meeting at 5:24 p.m.



TOWN COUNCIL NOTICE & AGENDA

REGULAR MEETING
TUESDAY, APRIL 23, 2024
5:00 PM

COUNCIL CHAMBERS | 202 N. STATE ROUTE 89 | CHINO VALLEY, ARIZONA 86323

A majority of the Councilmembers may attend a private invocation in the Council Conference Room immediately prior to the Council meeting. No Town business will be discussed.

AGENDA

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL

Mayor Miller called the meeting to order at 6:01 p.m. and led the Pledge of Allegiance.

Present: Mayor Jack Miller, Vice-Mayor Tom Armstrong, Councilmember Annie Perkins, Councilmember Eric Granillo - remote, Councilmember Sherri Phillips, Councilmember Robert Schacherer

Absent: John McCafferty

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire; Officer Anthony Davis (Sgt. at Arms); Assistant to the Town Manager Terri Denemy; Development Services Director Laurie Lineberry; Human Resources Director Laura Kyriakakis; Finance Director Katie Pehl; Public Works Director/Town Engineer Frank Marbury; Deputy Police Chief Josh McIntire; Community Services Director Cyndi Thomas; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

3. CALL TO THE PUBLIC - Individuals requesting to speak, please complete a Speaker Comment Card and return to the Clerk.

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is at the discretion of the Council and not required by law. Individuals are limited to speak for three (3) minutes, yielding of time will not be permitted. 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. Disrespectful behavior will not be tolerated; this includes loud outbursts, profanity, and disruptive discussions among our audience.

4. 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. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

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

Mayor Miller stated that May 15th would be the annual Police versus 8th Grade Dodgeball at Heritage Middle School from 1:00 p.m. to 3:00 p.m.

- b. Status report by Town Manager Cindy Blackmore regarding Town accomplishments, and current and upcoming projects.

Cindy Blackmore, Town Manager, presented the following:

- Citizens may submit arguments opposing or supporting ballot measure Proposition 475 until Wednesday, May 1st. Visit the website or contact the Town Clerk's office for more information.

5. 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

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember Annie Perkins to approve Consent Agenda items a and b as presented.

AYE: Mayor Jack Miller, Vice-Mayor Tom Armstrong, Councilmember Annie Perkins, Councilmember Eric Granillo, Councilmember Sherri Phillips, Councilmember Robert Schacherer

NAY: None

6 - 0 Passed – Unanimously

- a. Consideration and possible action to award the Library Building Roofing project construction contract to Top Woofer, LLC, dba Yavapai Roofing, for \$89,380.06.
- b. Consideration and possible action to approve the March 26, 2024, executive, study session, regular, and special meeting minutes.

6. 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 ratify the emergency execution of a \$9,770 change order from Arizona Foundation Solutions for additional costs associated with stabilizing and lifting the Aquatic Center building slab and foundation, bringing the project's total cost to \$55,770.

Recommended Action: Ratify the emergency execution of a \$9,770 change order from Arizona Foundation Solutions for additional costs associated with stabilizing and lifting the Aquatic Center building slab and foundation, bringing the project's total cost to \$55,770.

Frank Marbury, Public Works Director, presented the following:

- Staff needed to do emergency repairs at the aquatic center when they realized the building was sinking. Staff originally thought the repairs would be under \$50,000 and executed the contract under the Town Manager's authority, but it ended up being more.
- The company installed 22 hydraulically driven push piers and one helical pier to jack up the foundation and applied polyfoam under the slab to raise it back up.

- The cracks in the walls were gone and the floor tiles were back where they should be. Doors were shutting better now, but may need more repairs in the future.
- The piers needed to go down deeper to get to good solid foundation than originally thought which resulted in the increased cost.
- The work was complete and staff was asking the Council for ratification to handle those repairs in accordance with procurement code.

Council had no questions or discussion on the matter.

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember Sherri Phillips to ratify the emergency execution of \$9,770 change order from Arizona Foundation Solutions for additional work bringing the project's total cost to \$55,770.

AYE: Mayor Jack Miller, Vice-Mayor Tom Armstrong, Councilmember Annie Perkins, Councilmember Eric Granillo, Councilmember Sherri Phillips, Councilmember Robert Schacherer

NAY: None

6 - 0 Passed – Unanimously

- b. Consideration and possible action to adopt the Town of Chino Valley Emergency Operations Plan.

Recommended Action: Adopt the Town of Chino Valley Emergency Operations Plan.

Josh McIntire, Deputy Chief of Police, presented the following:

- This Emergency Operations Plan (EOP) was created with the Yavapai County Office of Emergency Management and met all requirements of the current intergovernmental agreement in effect until 2025.
- The IGA required the Town to develop, adopt, publish, and distribute an EOP that is compatible with the County's EOP.
- It was intentionally modeled after the Arizona State Emergency Response and Recovery Plan to ensure the most effective and efficient integration of emergency operations across local, county, state, and federal levels of government.
- It was also consistent with the applicable 2022 Emergency Management Standard and followed the Emergency Management Accreditation Program Nation Best Practices.
- The EOP addressed the Town's roles and responsibilities in certain emergencies associated with natural disasters, technological incidents, and human-caused emergencies.
- The process of creating the plan had been ongoing for more than a year starting with the Mutual Aid Compact, followed by the Yavapai County Multijurisdictional Hazard Mitigation Plan, and now the EOP.
- This was not meant to be a step-by-step response, but rather an all-hazards approach to any emergency.

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember Sherri Phillips to adopt the Town of Chino Valley Emergency Operations Plan in substantially the form presented.

AYE: Mayor Jack Miller, Vice-Mayor Tom Armstrong, Councilmember Annie Perkins, Councilmember Eric Granillo, Councilmember Sherri Phillips, Councilmember Robert Schacherer

NAY: None

6 - 0 Passed – Unanimously

7. ADJOURNMENT

MOVED by Councilmember Sherri Phillips, seconded by Vice-Mayor Tom Armstrong to adjourn the meeting at 6:12 p.m..

AYE: Mayor Jack Miller, Vice-Mayor Tom Armstrong, Councilmember Eric Granillo, Councilmember Sherri Phillips, Councilmember Robert Schacherer

NAY: Councilmember Annie Perkins

5 - 1 Passed



Jack W. Miller, Mayor

ATTEST:



Erin N. Deskins

Erin N. Deskins, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session and Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 23rd day of April 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of May, 2024.

Erin N. Deskins

Erin N. Deskins, Town Clerk