

**SPECIAL STUDY SESSION MEETING NOTICE
TOWN COUNCIL OF DEWEY-HUMBOLDT
Tuesday, October 22, 2013, 2:00 P.M.**

**COUNCIL SPECIAL STUDY SESSION MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. 38-431.03 (A) (3), which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. The Council meeting may be broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. Call To Order.

2. Roll Call.

2.1. Town Council. Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan.

3. Study Agenda. No legal action to be taken.

3.1. Council Code of Conduct continued discussion. Continued discussion from May 14, June 11, July 23, August 13, September 10, September 24, October 8 meetings

3.2. Direction from Council to address at a work session a possible amendment to Town Code Section 30.085 (E), from August 20, 2013 and October 8, 2013 meetings. [CAARF originally requested from VM Repan for August 20, 2013 meeting]

4. Comments from the Public. The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Council members are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Public Comment is **3** minutes per person. The audience is asked to please be courteous and silent while others are speaking.

5. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, November 5, 2013, at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, November 7, 2013, at 6:00 p.m.

Next Town Council Work Session: Tuesday, November 12, 2013, at 2:00 p.m.

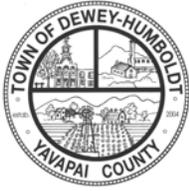
If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the ____ day of _____, 2013, at ____ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: _____, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-8562 ▪ Fax 928-632-7365

TOWN COUNCIL SPECIAL STUDY SESSION MEETING
October 22, 2013 – 2:00 p.m. Town Council Meeting Chambers

Agenda Item # 3.1. Code of Conduct

To: Mayor and Town Council Members

From: Judy Morgan, Town Clerk

Date submitted: October 14, 2013

Agenda Item: Code of Conduct further discussion. Review and Further Discussion.

Recommended action: Review, revision and direction on next steps.

Summary: This is the continuation of the May 14th, June 11th, July 23rd, August 13th, September 10th, September 24th and October 8th Council meeting discussions. At the most recent meeting Council looked at the definitions and three-offense suggestions made by Councilmember Wright. Council asked for this to come back at the special added October 22nd meeting for more wordsmithing and compilation of the violation section.

Enclosed is a compilation of changes made to date by the Council. Changes made by council members are marked in red; language from 2009 “Town Council Rules and Procedures” is in black. Councilmember Alen’s Grievance Flowchart is included for reference, Vice Mayor Repan’s and Councilmember Hamilton’s versions for the “Grievance/Violation Process” and Councilmember Wright’s “Definitions and Procedure” suggestion are included.

Attachment: Compilation of Council Member submittals for modification to Code of Conduct, grievance flow chart and VM Repan’s and CM Hamilton’s Grievance Process verbiage and CM Wright’s definitions and procedures.

TOWN OF DEWEY-HUMBOLDT CODE OF ETHICS and CONDUCT (ORIG. 8/2009, REVISED 8/2011)

Dewey-Humboldt Citizen Participation Guide

As a citizen . . . you can take an active role in shaping Dewey-Humboldt government policies, programs and decisions.

Participating in government can be as simple as voting at each election. But you can go a step further by participating in the day-to-day process of local government.

- You can submit a transformative idea via email to the Town Clerk: judymorgan@dhaz.gov.
- You can volunteer for advisory boards or committees that make recommendations to the Town Council and Town departments.
- You can influence decisions when it comes to adopting laws, the biennial budget, or where to site a new park.
- You can be an active member of a neighborhood association or help form one in your neighborhood.
- You can speak at a Council study session or Council meeting
- You can seek elected office.

One of the greatest challenges of governance is finding a balance between the interests of the community as a whole and those who have a special stake in a particular issue.

Citizens can help strike that balance by looking for solutions that work for the entire community, not just a small group.

Although participating does not always mean prevailing, it does make government a partnership effort. That's something positive, because when citizens are actively involved in their government, decisions can better reflect the will of the people.

Commented [JM1]: CM Alen's Participation Guide

PREAMBLE

Commented [JM2]: VM Repan's document with his additions in red.

The residents and businesses of Dewey-Humboldt are entitled to have a fair, ethical and accountable local government and also demand the highest standard of ethics from all its officials. All members of town boards, commissions, committees and the Town Council shall maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, whether local, state or federal, and never use their position or powers improperly or for personal gain.

Commented [JM3]: "Town" replaced "City". Council liked how this section was written with this one minor change.

DEFINITIONS

Commented [JM4]: Any ARS or Code referenced will be included as a definition.

Ethics is defined here as the rules or standards governing those persons functioning as representatives of the Town Dewey-Humboldt. These rules and standards are based upon a set of values judged to be moral to the extent that they enhance society and an

individual's relationship to others. **Honesty and integrity shall be the primary values in all issues whether it be in their duties for the Town of Dewey-Humboldt, or in any regard to their constituents.**

A representative of the Town of Dewey-Humboldt is defined here as a public official, elected or appointed, salaried or unpaid, including the mayor, Town council members, and any board or commission member.

The purpose of this code is to establish ethical standards of conduct for these public officials acting in their official public capacity.

I. Responsibilities of Public Office

By oath of office each representative is responsible to uphold the Constitution of the United States, the Constitution of the State of Arizona, and the ordinances and regulations of the Town of Dewey-Humboldt. **Elected officials and board and commission members are often asked to make decisions that affect various groups and individuals adversely. Balancing diverse constituent interests is a difficult task and therefore the public official shall perform his or her obligations in a manner that is impartial and responsible to all people and shall adhere to ethical standards that eliminate disappointment borne of dishonesty, conflicts of interest, unfairness or illegality.**

The public official shall not use his position for personal or monetary gain, **whether directly or indirectly or any other manner in which the possibility of gain might be perceived by the public or another member of the public body and as described here within in section II.**

The public official shall not disclose confidential information concerning the property, government, or affairs of the Town of Dewey-Humboldt without proper legal authorization. **Arizona law provides that during a person's employment or service to the town and for two years thereafter, no member of a Town board, commission, committee or the Town of Dewey-Humboldt council may disclose or use confidential information without appropriate authorization as outlined in A.R.S. 38-5504(B).**

Councilmember's and citizen advisory boards and commissions have an obligation to be accessible, open and direct, not only with the other members of the Council and/or boards and commissions, but also to the citizens and business representatives that appear before them, both in the public forum and in private. The public is entitled to communicate with their public servants and understand the position of the Council and boards and/or commissions on public issues.

Elected officials and advisory board/commission members have an obligation to attend meetings and be prepared. It is expected that these officials will review the materials, participate in discussions and make informed decision of the merits of the issue as opposed to acting out of emotional bias.

Commented [JM5]: Council satisfied with how this section was written by VM Repan with option of going back and editing it.

II. Conflict of Interest

Elected officials and advisory board members must be constantly on guard against conflicts of interest and shall not be involved in any activity which conflicts with their responsibilities to the town of Dewey-Humboldt and its residents. The people of this town have a right to expect independence and fairness towards all groups without favoring individuals or personal interest.

Arizona conflict-of-interest laws apply to all elected officials and advisory board/commission members. And as such, this code shall reinforce any existing affirmation regarding conflict of interest contained in the public official's oath of office. When acting in a public capacity, the public official shall abstain from participating in discussion and vote on any pending matter that would result in his financial or private gain.

The public official shall not directly or indirectly solicit, accept or receive any gift--whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form that could be reasonably inferred to influence the performance of his official duties and actions or serve as a reward for any official action. In addition and extended under this issue, under no circumstances shall a council or board/commission member accept a gift or favor that is a bribe, or reflects, to a reasonable person, an effort to improperly influence the member contrary to that members responsibility to the public in total or to act impartially and on the merits of the matter. Officials must not be involved in discussing issues that appear to be self-dealing. That is, officials must not be involved in discussing or deciding on any issue over which they have jurisdiction as a Council or board/commission member, which may impact the member or the members family or members business, financially or in any way that may be perceived by any reasonable member of the community as advantageous to that council, board/commission member.

It should also be noted that Councilmember's must comply annually with the Financial Disclosure Act, as outlined in A.R.S. 38-541-545. Arizona law also prohibits elected officials and board/commission members from receiving anything of value or any compensation other than their normal salary or stipend for any service rendered in connection with that person's duties with the Town of Dewey-Humboldt.

III. Conduct in Public Office

The public official shall not discuss or divulge confidential information acquired by him in the course of his official duties nor shall he use this information for his own personal interest or aggrandizement and as a minimum, utilize A.R.S. 38-504 as, but not limited to, a guideline.

The public official shall respect the rights, privileges and opinions of his fellow officials. Propriety dictates that the public official be sensitive to the possible confidential or personal nature of directives addressed to other individuals.

Commented [JM6]: Consensus that Council liked how this section was written by VM Repan.

Commented [JM7]: Consensus to keep this section as written by VM Repan with the exception of adding "in the future" to the last paragraph. Nepotism sentence was left in by consensus.

In **his** **any** dealings with Town of Dewey-Humboldt employees, the public official shall maintain professional conduct with respect to the employee's work assignments and obligations. The office of the public official shall in no situation be used to wrongfully obtain information either by intimidation or by deliberately violating the privacy of an employee's work station.

Commented [JM8]: 091013 directed to change from his to any.

Public decision making must be fair and impartial and shall be non-discriminatory on the basis of those protected classes, such as racial and religious groups, outlined in federal, state and town laws and ordinances. Elected officials and advisory board/commission members must conduct business and operate in a manner that is free from illegal discrimination on the basis of age, sex, color, race, disability, national origin, or religious persuasion, both and in the relationships of the elected officials and advisory board/commission members with their constituencies.

Elected officials and advisory board/commission members shall not use their political or appointed office to advance private interests and engage in political campaigning at Town meetings or within **city** **town** buildings.

Commented [JM9]: Remove "city" reference and change to "town" 091013 directive.

No relative of a sitting council member, sitting advisory board/commission member may be hired by the town.

Commented [JM10]: Council consensus to leave this sentence in for now.

Discussion of issues which may appear **in the future** before the Council or citizen board shall be prohibited when a situation arises where a quorum of the Council or board exists. Numerous Arizona laws require that meetings of public bodies be open to the public and that public records be available for inspection.

Commented [JM11]: CM Wright's suggested addition

Complaint of Violation Process

Commented [JM12]: CM Alen's suggestion to put a process in place prior to IV. Compliance and Enforcement.

IV. Compliance and Enforcement with the Dewey-Humboldt Code of Ethics.

Commented [JM13]: Council discussed sanctions and censure. CM Alen was asked to come back with a process. She provided a flowchart at the August 13th meeting for discussion.

Public officials take an oath when they assume their duties to uphold the laws of the state of Arizona, the town of Dewey-Humboldt and the United States of America. **Therefore, it is the intent of the Town Council to educate, and where necessary, discipline council members or board/commission members who violate this code.** Consistent with this oath, any possible violation of this code should be reported to the mayor or vice mayor, or in the case of staff, to the Town Manager. Upon this report, one of two protocols can be utilized:

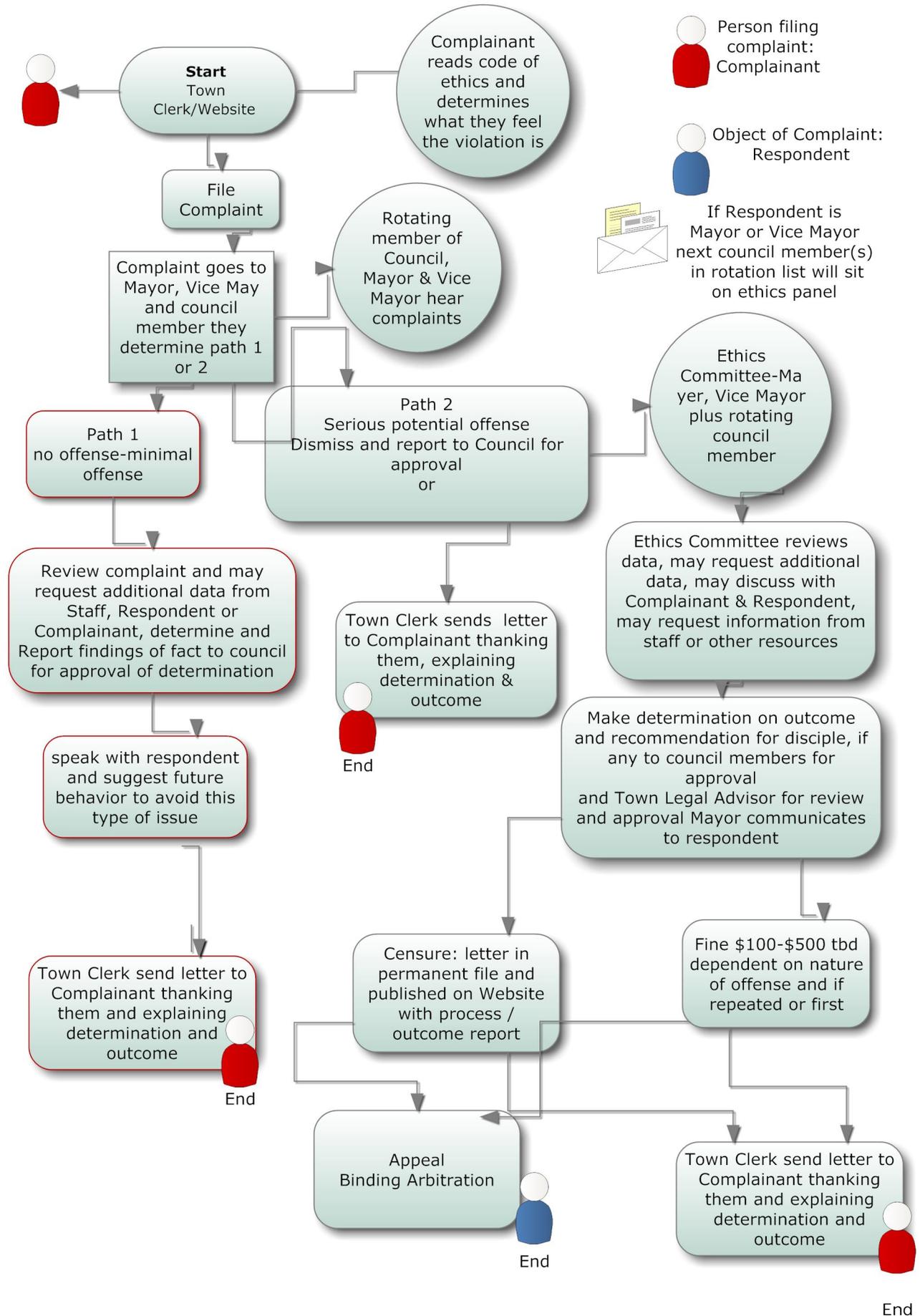
1. If the Mayor, Vice Mayor, and Town Manager all agree that the violation is minor in nature, they may contact the individual in question directly and advise them of the concern and seek to resolve the matter.
2. If the Mayor, Vice Mayor, and Town Manager all agree that the alleged violation is not minor in nature, they may meet with the Town Attorney and appropriate staff and witnesses to determine how the matter should proceed, be resolved or be reported to

the appropriate authorities. These protocols are set forth and can be used as alternatives to any remedial action that otherwise might be available or prudent.

In any regard, other than violations for criminal conduct, discipline shall be progressive in nature, from the least punitive to the most punitive measures, unless the Council believes that progressive discipline does not provide the appropriate sanction because of the gravity of the offense, or because the Council does not believe the sanction would deter future misconduct or actions. In all instances, the totality of the circumstances shall be taken into consideration in resolving the matter, including the intent of the one accused of wrongdoing.

All public officials are expected to honor the mandates set forth in the Town of Dewey-Humboldt Code of Ethics.

Councilmember Alen's Compliance Flowchart



The process of filing a complaint for a potential violation of the code of conduct/ethics starts with either the town clerk or the town web site. If a resident (complainant) reads the code of conduct/ethics and determines that the possibility of a violation exists, they may file a complaint through the Town Clerk or through the town website.

The complaint then goes to the Ethics Committee which is made up of the Mayor, Vice Mayor and a rotating council member to determine if a violation occurred. The Ethics Committee may request additional data from the staff, the respondent (object of the complaint) or complainant. If they determine the complaint is minimal or no violation had occurred, the committee will then report the findings of fact to the Council for approval of their determination.

The committee will then speak to the respondent and suggest future behavior to avoid this type of complaint. The town clerk will then send a letter to the complainant thanking them and explaining the determination and outcome.

If the Ethics Committee determines that a possible serious offense has occurred, it may request additional data from the staff, the respondent or complainant and may request information from other sources. The committee may contact the Town Attorney for review if needed. The committee will then make a report to the council of the outcome and their recommendation for discipline and request that the Mayor communicate the results to the respondent.

Discipline, depending on the severity of the offense, can range for a letter of censure, a copy of which would be included in the member's permanent file, to a monetary fine of no less than \$ 100.00 and no greater than \$ 500.00. The amount of the fine would depend on the nature of the offense and whether it was a first offense or of a repeated nature.

The respondent has the right to appeal the findings and outcome through binding arbitration, if desired. The final results of this process will be published on the town web site and the town clerk will send a letter to the complainant explaining determination and outcome.

from CM Hamilton
9/23/13 @ 11:30 am

Item IV Compliance and Enforcement of the Dewey-Humboldt Code Of Ethics.

Public officials take an oath when they assume their duties to uphold the laws of the state of Arizona, the town of Dewey-Humboldt and the United States of America. Therefore, it is the intent of the Town Council to educate, and where necessary discipline council members or board/commission members who violate this code. The process for enforcement follows

1. If a resident (complainant) feels that a violation of the ethics/conduct code has occurred they need to fill out a form, either on line or see the town clerk for the form. The form will include the date, what part of the code they feel was violated, the person who violated the code, when the violation occurred and contact information so they can be told of the outcome of their complaint
2. The complaint then goes to the Ethics Committee which is made up the Mayor, Vice Mayor and a rotating council member to determine if a violation has occurred. The Ethics Committee may request additional information from staff, respondent (object of the complaint), and complainant or town attorney.
3. The Ethics Committee then decides if there was no violation, or was a minor or major violation of the ethics code. The ruling of the majority of the Ethics Committee is then presented to the full council. If there is not a unanimous decision by the Ethic Committee, a minority report can be presented along with the majority opinion. The full Council has the right to look at all the information that the Ethics Committee looked at to make their determination on what should occur.
4. If the full Council decides that no violation occurred, no action will be taken other than to notify the complainant of the outcome.
5. If the full Council has decided a minor violation has occurred the Ethics Committee will talk to the violator in person on how to avoid doing this in the future. The complainant will be notified of the outcome.
6. If the full Council decides a major violation has occurred, they will decide the punishment from formal censure and put in the violators personal file, to possible fine up to \$500. The Ethics Committee should talk to the town attorney to see if what they propose as punishment is legal. The legal ruling should be in evidence for the whole Council to see. The complainant will be notified of the outcome.
7. The Ethics Committee alternate will be selected after the Vice Mayor is selected using the same format as for selecting the Vice Mayor.
8. If the complaint is against one of the ethic committee members that person will be excused from the proceedings and another Council member will be chosen to handle this complaint only.
9. Repeating of the same minor violation can turn it into a major violation.
10. The respondent has the right to appeal any Council decision to binding arbitration by the town's Hearing Officer.

Definitions

Censure

1. An expression of strong disapproval or harsh criticism.
2. An official rebuke, as by a legislature of one of its members.
3. To criticize severely; blame.
4. To express official disapproval of
5. A formal, public reprimand for an infraction or violation.

Sanction

1. The penalty for noncompliance specified in a law or decree.
2. A penalty, specified or in the form of moral pressure, that acts to ensure compliance or conformity.
3. To penalize, especially for violating a moral principle or international law.
4. To impose a sanction on; penalize, esp. by way of discipline
5. To punish so as to deter

Procedure

- 1st Minor Offense – Ethic Committee recommends speaking to the person accused privately.
- 2nd Minor Offense (repeat) – Ethic Committee recommends either speaking to the person privately or suggests a public censure.
- 3rd Minor Offense (repeat) – Ethic Committee recommends public censure.
- 1st Major Offense – Ethics Committee recommends public censure.
- 2nd Major Offense – Ethics Committee recommends public sanction. This could be removal from a town committee or ??.
- 3rd Major Offense – Ethics Committee recommends fine? (is this legal?) or ???

IS : 30.085 (D) If a member of the Town Council appears before another governmental agency organization to give a statement on an issue affecting the town, the Councilmember should indicate the majority position adopted by the Council. If the Council is divided on an issue, the member should make no statement.

PROPOSED : 30.085 (D) If a member of the Town Council, including the mayor, appears before another governmental agency organization to give a statement on an issue affecting the town, the councilmember or mayor should indicate the majority position adopted by the Council. If the Council is divided on an issue, the member should make no statement.

IS : 30.085 (E)

Personal opinions and comments may be expressed only if the Councilmember clarifies that these statements do not reflect the official position of the Town Council.

PROPOSED: 30.085 (E)

Personal opinions and comments may be expressed only if the Mayor or Councilmember clarifies that these statements do not reflect the official position of the Town Council.

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, AUGUST 20, 2013, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, AUGUST 20, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:31 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Made.
 - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

Mayor Nolan reminded Council to turn on their microphones and speak into them so they can be heard on the A/V system.

Vice Mayor Repan thanked staff for their information and effort that went into the August 13th Study Session.
5. **Town Manager's Report.** Update on Current Events.

Town Manager Kimball spoke on the millings being received with more to come next week. She spoke on the traffic control light at Highway 69 and Main Street but not receiving a specific date for the traffic count.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the August 6, 2013 Regular Meeting and August 13, 2013 Special Study Session.

Councilmember Hamilton made a motion to approve the minutes as presented for the August 6, 2013 Regular Meeting and August 13, 2013 Special Study Session. Vice Mayor Repan asked that the August 6th meeting be amended to include (under item 9.1) his comment made before the vote asking Council be informed about the WAC meetings. The maker of the motion agreed to this amendment. The motion passed unanimously.
7. **Comments from the Public (on non-agendized items only).**

Christine Dehart spoke on her concerns with the high levels of arsenic in the water and the government's responsibility to protect its citizens.
8. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.
 - 8.1. **Ordinance 13-98, Amending the Town Code Section 30.102 Study Sessions to Establish the Time of Study Sessions.**

Town Manager Kimball gave an overview on this agenda item. This was unfinished business from 2011 where the Council agreed to approve resolution 11-89 which changed the Study Session time from 3:00 p.m. to 2:00 p.m. The ordinance is required to codify this change into law.

Councilmember Hamilton made a motion to approve Ordinance 13-98 amending the Town Code Section 30.102 Study Sessions to Establish the Time of Study Sessions, seconded by Councilmember Wright.

Mayor Nolan asked if he could rescind his motion made back in 2011 so CM Williams-Rowe can be at the work sessions for most of the meeting (start time of 3:00 p.m.). There was discussion on this and the reasons for the change.

Councilmember Wright called the question. The council voted to call the question by a unanimous vote.

The motion passed by a 5-2 vote in favor, Councilmembers Williams-Rowe and McBrady voting against.

8.2. Peloso property inspection, report and next steps. Discussion and possible action regarding acquisition of property for Town Hall purposes and possibly to approve Resolution No. 13-107, authorizing and directing the Town Manager and Town Attorney to obtain appraisals and legal descriptions and take other necessary actions preparatory to acquisition of real property located in Dewey-Humboldt at 12899 East Main Street, 12901 East Main Street, 12922 East Main Street and/or 12847 East Main Street on behalf of the Town and directing the Town Manager to present the above information to the Council for possible approval to proceed with the acquisition. The Council may, by majority vote, recess the regular meeting, hold an executive session, and then reconvene the regular meeting for discussion and possible action on this item.

Councilmember McBrady recused himself from this agenda item and stepped down from the dais at 6:50 p.m.

Town Manager Kimball gave an overview explaining options for council: possible resolution to approve, delay or ignore. She asked if they would like to hold this in an Executive Session or an Open Session.

Councilmember Hamilton spoke on why he felt the information should be discussed in open session. There was discussion on this. Ms. Kimball reminded them there are new council members that have not heard the report and they need to be brought up to what the others already know about this issue.

Councilmember Alen made a motion to go in to Executive Session, seconded by Vice Mayor Repan. It was approved by a 5-1-1 vote in favor, Councilmember Hamilton voting against and Councilmember McBrady being recused from this item. The public was asked to leave the room at 6:56 p.m. and the Council recessed into Executive Session.

8.2.1. Recess into and hold 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 purchase, sale or lease of real property located in Dewey-Humboldt, Arizona, at 12899 East Main Street, 12901 East Main Street, 12922 East Main Street and/or 12847 East Main Street.

8.2.2. Reconvene Regular Meeting.

Council reconvened into the Regular Meeting at 7:31 p.m. No action or discussion was taken on this item.

9. Discussion Agenda – New Business. Discussion and Possible Action on matters not previously presented to the Council.

9.1. Arizona Department of Administration – AZ State Purchasing Cooperative Procurement Agreement Renewal.

Councilmember McBrady returned to the dais at 7:32 p.m.

Town Manager Kimball spoke on receiving notice that the original agreement was expired. There is no fee to be a member and using the state contract for purchases can be very beneficial.

Mayor Nolan made a motion to approve and execute the renewal of the AZ State Purchasing Cooperative Procurement Agreement, seconded by Councilmember Wright. It was approved unanimously.

9.2. To revisit Council Policy 12-02 for clarification and especially item 4.6 “Legal research results and opinions on specific questions will be disseminated... at the discretion of the TM.” [CAARF requested by CM Wright]

Councilmember Wright gave an overview on her agenda item. She gave her opinion that the wording related to “at the discretion of the Town Manager” should be changed to reflect only two exceptions: Disputes with Council members and issues addressed in ARS.

There was discussion on this. Town Manager Kimball voiced her opinion against removing “discretion” wording.

Public comment was taken on this item.

Jerry Brady spoke in support of disclosure of legal counsel opinions over administrative discretion.

Councilmember Wright made a motion to change item 4.6 of policy PG No. TC 12-02 to remove “at the discretion of the Town Manager” and replace it with “unless forbidden by law”, seconded by Councilmember Hamilton.

There was discussion on removing “staff” wording so it clearly addresses public bodies.

The motion on the floor was amended to remove “staff” from the purpose and scope of this procedure (both mover and seconder agreed).

There was discussion on the pros and cons of removing “discretion” wording. Town Manager Kimball asked for clarification on original wording (specific questions versus requests by council).

Vice Mayor Repan made a motion to move this to a work session where they can take action on this item, seconded by Councilmember Alen.

Public comment was taken on this item.

Jerry Brady spoke on the council’s operation of the microphones and problems with listening to recordings. He stated this agenda item defends the interest of the public.

A motion was taken on the work session motion, which was approved by a 5-2 vote in favor, Councilmember McBrady and Wright voting against. TM Kimball asked which study session they wished to move this to. It was decided to move it to the November 12th Work Session or next available one. The first motion was not voted on as the second motion action over-rode it.

9.3. Change Code (30.085 D&E) through council action and/or resolution. [CAARF requested by VM Repan]

Town Council Regular Meeting Minutes of August 20, 2013
Vice Mayor Repan gave an overview explaining the added wording makes it clear it includes the Mayor. He suggested reporting requirements (report given at a meeting within a 2-week limit). There was discussion on other means of getting information from these agency meetings.

Public comment was taken on this item.

Jerry Brady spoke on “Minutes” law and only being a record of legal action, not discussion.

Councilmember Hamilton made a **motion** to approve 30.085 D&E as proposed, seconded by Councilmember Wright.

Vice Mayor Repan made a **motion** to move 30.085 D&E to a work session, seconded by Councilmember Alen. There was discussion on work sessions and what they are for.

Councilmember Wright made a **motion** to accept 30.085D as proposed, seconded by Vice Mayor Repan. Mayor Nolan spoke on the redundancy of this code change. It was **approved** by a 6-1 vote in favor, Councilmember McBrady voting against.

Vice Mayor Repan **amended the motion** to move 30.085 E (removing from the motion 30.085 D) to a work session, the seconder agreed. It was **approved** by a 4-3 vote in favor. Councilmembers Hamilton, McBrady and Mayor Nolan voting against.

The first motion was **not voted on** as the subsequent motions over-rode it.

Councilmember Wright asked about bringing the 30.085D amendment back as an ordinance to be placed on the consent agenda.

Public comment was taken.

Jerry Brady spoke in support of bringing the code change back to council as an ordinance.

Town Manager Kimball asked Council which study session to put 30.085 E on; whether to proceed with amending the code for 30.085D or to wait until they have worked on 30.085E and have both on an ordinance. There was discussion. Ms. Kimball stated she will submit the discussion to the attorney for ordinance drafting on 30.085D.

9.4. Change Code (30.085F) through council action and/or resolution. [CAARF requested by VM Repan]

Vice Mayor Repan gave an overview. There was discussion on having selected alternate(s) to attend other established agency meetings the town is a member with and having a policy adhered to whereby the primary should contact the alternate if the primary can't attend.

Councilmember Hamilton made a motion to approve the proposed change to Code 30.085F. Councilmember Wright made a friendly amendment to the motion to remove the last sentence, “if no council member is available as a substitute, this information will be made available to the public through the town web site”. With this amendment she seconded the motion. The maker of the motion agreed to the amendment.

There was discussion on notifying the alternate and/or the Town Manager if unable to attend; whether to post meeting notifications on the town website; and “must” wording in code change language.

The motion passed by a 6-1 vote in favor, Councilmember McBrady voting against.

9.5. Discuss section 4.3 of Town Policy PG No. TC 12-03. [CAARF requested by CM Hamilton]

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Councilmember Hamilton gave an overview and requested they discuss this at the same time as VM Repan's code change work session (on reporting-30.085E).

Councilmember Hamilton made a motion to move this agenda item to the same work session where VM Repan's code changes on report summaries is discussed, seconded by Vice Mayor Repan. It was approved unanimously.

9.6. Create a second work study session a month on the 4th Tuesday of the month.
[CAARF requested by VM Repan]

Vice Mayor Repan gave an overview, explaining his opinion for needing an additional work session (spend more time in discussion of an item in a work session to streamline regular meetings). There was discussion.

Public comment was taken on this item.

Jerry Brady spoke in support on the work council does and in support of work sessions for better discussion of issues and to prepare research.

Councilmember Wright suggested limiting the number of agenda items on a work session. There was discussion of other times and days for work sessions. Mayor Nolan explained special meetings can be called if additional time is needed.

Mayor Nolan made a motion that if another study session is needed it will be deemed a special study session and not constituted in the Code of ordinances as a mandatory study session, seconded by Vice Mayor Repan.

There was discussion on whether a motion was needed for this or if it can just be decided and directed at the next work session. Town Manager Kimball asked if they wanted a standing agenda item on whether to have a special study session at each regular study session. The original motion was withdrawn by the maker and seconder.

Mayor Nolan made a motion to establish a line item on future study session agendas for a possible additional study session, seconded by Vice Mayor Repan. It was approved unanimously.

10. Public Hearing Agenda. None.

11. Comments from the Public.

Jerry Brady spoke on attorney/client privileges comparing these privileges for local government and the President of the United States. He spoke on the distribution of information on the Town's computers.

Mayor Nolan gave a public comment speaking on many of the agenda items being frivolous and time consuming and spoke on the Council's job to do Town business.

12. Adjourn.

The meeting was adjourned at 9:32 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk