

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
SPECIAL STUDY SESSION MINUTES  
TUESDAY, DECEMBER 10, 2013, 2:00 P.M.**

**A SPECIAL STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, DECEMBER 10, 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 2:03 p.m.

2. **Roll Call.**

**2.1. Town Council.** Town Council Members Arlene Alen, Jack Hamilton (arrived late at 2:09 p.m.), Mark McBrady, Sonya Williams-Rowe (arrived late at 2:41 p.m.), Nancy Wright (absent at roll call but came back at 2:06 p.m.); Vice Mayor Dennis Repan; and Mayor Terry Nolan were present.

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

**3.1. Council Code of Ethics further discussion.** Discussion following attorney review of Council Code of Ethics document and direction on how to proceed.

Mayor Nolan reviewed his recommended revisions to the Town Council's Code of Ethics document. CM Wright arrived back to the table at 2:06 p.m.

There was discussion on whether to remove or keep the "nepotism" paragraph, page 7 of the packet, Section III, 5<sup>th</sup> paragraph down. CM Hamilton arrived at 2:09 p.m.

Council continued to review the Mayor's recommended changes: changing the order of the oath wording pertaining to federal, state and local government references; ethics subcommittee role- authority to make final decision or just a recommendation to council.

Council discussed whether to codify the code of ethics or just leave it as a policy and whether to accept any of the mayor's recommended modifications. The Mayor and Councilmember McBrady spoke in support of requiring a supermajority vote on an ethics decision.

Public comment was taken on this item.

Jerry Brady spoke on the Council being bound by the Arizona Constitution and if an ordinance is in conflict with state laws it will be invalid.

There was further discussion on the document and sanctions.

Town Attorney, Susan Goodwin arrived at 2:37 p.m.

Council discussed further the reasons for this document or having ethics issues handled through the voters using current state law procedures.

Councilmember Williams-Rowe arrived at 2:41 p.m.

Town Attorney Goodwin spoke on legal issues: fines can't be imposed unless adopted as an ordinance; ethics subcommittee role can be defined either as authority for final decision or just to recommend.

Public comment was taken on this item again.

Jerry Brady spoke on going through the Attorney General for an ethics opinion; primary recourse to send it to the state electoral commission for their decision.

Town Attorney Goodwin responded to Mr. Brady's comments explaining that the advice was not true, explaining what alleged violations they do review.

Vice Mayor Repan asked for this to be moved forward with comments and recommendations by the Town Attorney and codify it.

Town Manager Kimball asked for clarification. The version to codify is the Town Attorney's version with two minor changes recommended by the Mayor: 1) Page 8, Oath-order of governments listed changed to federal, state, local; 2) last paragraph on page 7-change second committee to commission. This will be brought back as an ordinance for council's decision at the December 17<sup>th</sup> regular Council meeting.

**3.2. Send the General Plan back to the Planning and Zoning commission to review and look at a Main Street or Old Town designation for the Town.**[CAARF requested by Mayor Nolan and continued from November 5, 2013 Regular meeting]

Council reviewed what has been done regarding looking into the process for historic overlay and main street designation. This report has been made to the Council. Council discussed the "next steps" that Council needs to take for a designation.

Public comment was taken on this item.

Jerry Brady spoke on the order for designation of an historic district is through a popular vote of the public, then council, then administrative action, in order to obtain grants for this.

There was discussion on whether this was directly tied to the visioning issue. Councilmember Alen explained it was related but different, therefore they could move forward on this item separately of the visioning item.

Councilmember Alen and Town Manager Kimball will work together on this to bring it to the January work session for further discussion. Councilmember Alen stated she would try to have this information available for the council in advance of the work session.

**3.3. Revisit process CAARF (Council Agenda Action Request Form) submittals from inception through action.** [CAARF requested by CM Alen and moved from December 3, 2013 Regular meeting]

Councilmember Alen spoke on challenges she has identified with the current process and gave an overview of how it was developed. She suggested modifying the process to make it simpler, concise, organized, removing the subjectivity and placing all requests on a work session until they are ready to go to a regular session.

Council discussed whether there was a need for a change to what the current policy is and if so, how to change it. Mayor Nolan suggested they could change the number of meetings to 1 Regular meeting and 2 Work Sessions per month. There was discussion on problems with this suggestion.

**4. Special Session.** Legal Action can be taken.

**4.1. Whether to hold additional special session(s) this month.** This is an established agenda item for Council's discussion on whether to add an additional special study session and if so, to set the date.

Council reached consensus to not hold a special study session this month due to the holidays.

**4.2. Discussion and possible action or direction related to the extension of the Lease Agreement for the Town Hall.** [Continued from the December 3, 2013 Regular Council Meeting] 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 3:32 p.m.

Councilmember Hamilton made a motion to recess into and hold an executive session, seconded by Councilmember Williams-Rowe. It was approved by a 6-0 vote in favor, with Councilmember McBrady being recused from the vote.

**4.2.1. 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 extension of the lease Agreement for the Town Hall located at 2735 S. Highway 69, Dewey-Humboldt, Arizona.

Council recessed into executive session at 3:32 p.m.

**4.2.2. Reconvene Special Study Session.**

Council reconvened into the open session at 4:04 p.m.

Mayor Nolan asked Mark McBrady if he would be willing to include the upstairs (Unit 10) unit into the existing lease agreement. CM McBrady explained he would not as it is already under a lease agreement with another party.

Mayor Nolan explained they will wait until December 17, 2013 Regular Council meeting to discuss this agenda item again. Council reached consensus that they would not need to put it on the agenda as a possible Executive Session for that meeting, but keep it in a regular session.

**5. Comments from the Public.**

Jerry Brady spoke on the fiduciary and statutory duties regarding the Yarnell 19; an administrative policy brought forward last year; local government's responsibility for implementation of firefighter safety policy.

**6. Adjourn.** The meeting was adjourned at 4:11 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk